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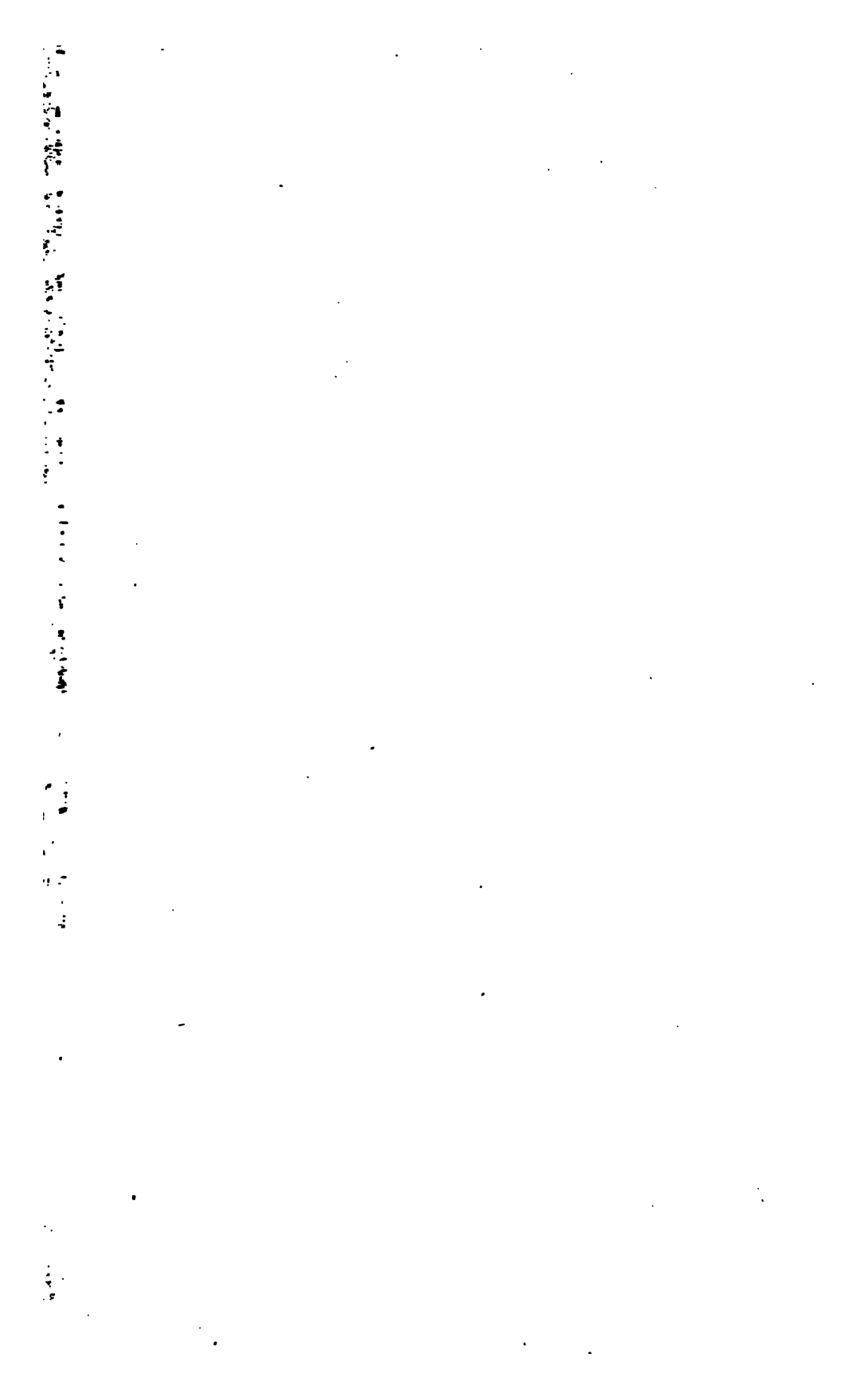
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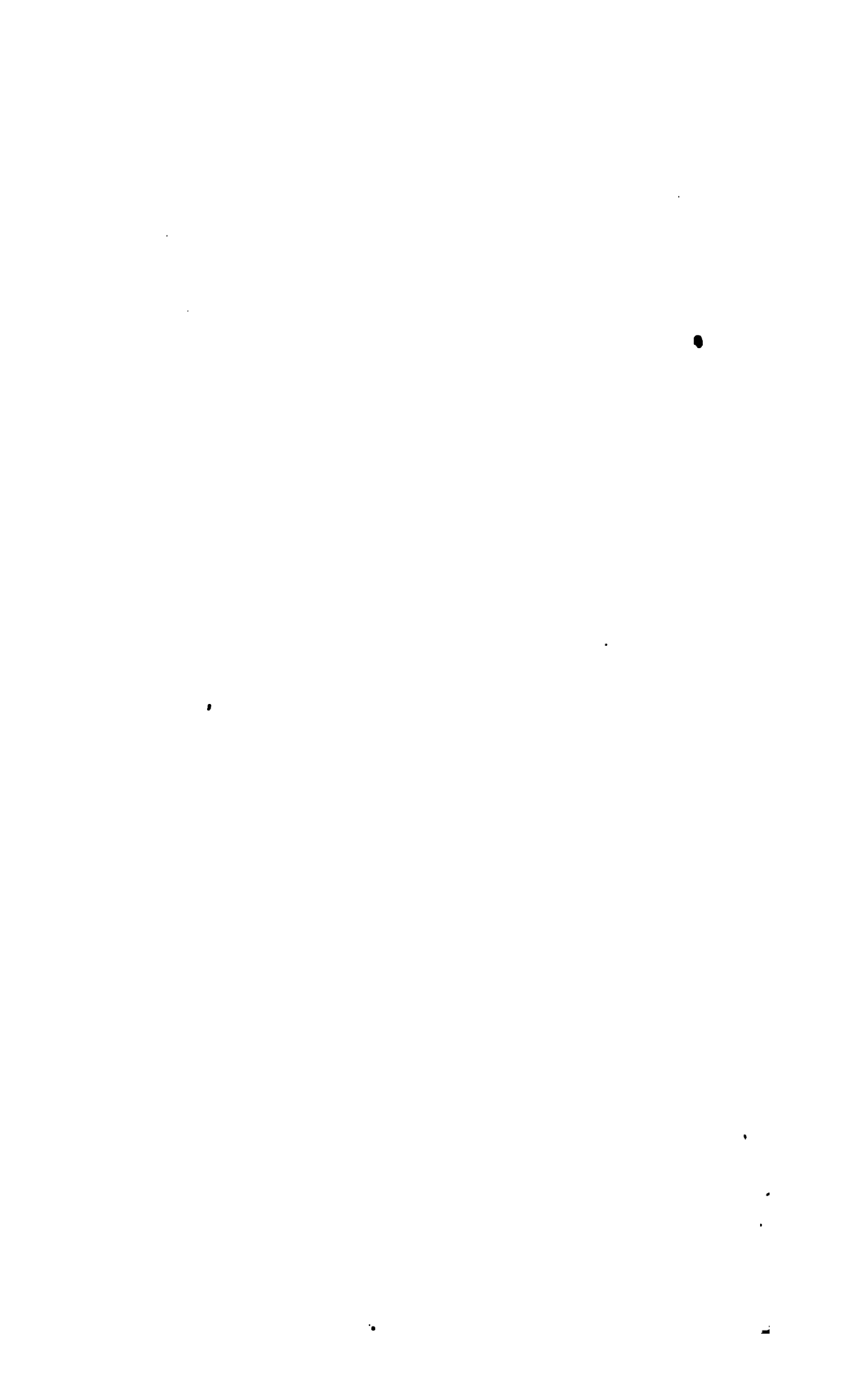




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THIRD EDITION, 1895.

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JEWETT'S MANUAL  
FOR  
ELECTION OFFICERS AND VOTERS  
IN THE  
STATE OF NEW YORK, *(Laws)*  
CONTAINING THE  
General Election Law and Additional Laws Regulat-  
ing the Conduct of Elections in the Cities of  
New York and Brooklyn  
COMPLETE WITH AMENDMENTS TO DATE.  
*ALSO PROVISIONS OF THE PENAL CODE, GENERAL LAWS AND  
CONSTITUTION OF THE STATE OF NEW YORK RELATING  
TO ELECTIONS AND ELECTIVE OFFICERS,*  
WITH NOTES, FORMS AND INSTRUCTIONS.

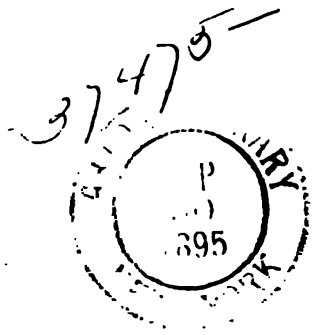
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By F. G. JEWETT,  
CLERK TO THE SECRETARY OF STATE.

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MATTHEW BENDER.  
LAW BOOKSELLER AND PUBLISHER,  
511-513 BROADWAY,  
ALBANY, N. Y.





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1895

F. G. JEWETT

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## PREFACE TO THIRD EDITION.

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Since the publication of the 1894 edition of this manual, the Election Law of the state has been materially changed in respect to the nomination of candidates, the registration of voters and other provisions of equal importance. The adoption of the so-called "blanket ballot" has radically changed the form of ballot, the tickets of all party and independent organizations being now upon one ballot, distinguished, aside from party or other name, by the use of appropriate devices or emblems. The manner of voting is also changed, necessitating the observance of defined rules by voters in indicating their choice of candidates. In all about fifty sections of the Election Law have been amended.

In addition to the alterations in the Election Law the senate and assembly districts of the state have been reapportioned and changed by the adoption of the new Constitution; the number of senate districts being increased to fifty and assembly districts to one hundred and fifty.

All these changes have been embodied in this edition and new forms have been prepared in accordance therewith, preserving, however, the general plan heretofore adopted in this work of treating the different laws under subjects and making each subject complete in itself.

The special election laws relating to the cities of New York and Brooklyn are also contained in this edition, thus making this manual a complete work on elections throughout the state.

ALBANY, *July* 15, 1895.

F. G. JEWETT.

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# POLITICAL CALENDAR.

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## GENERAL ELECTION, 1895.

Election, November 5, 1895.

Polls open at sunrise and close at sunset, except in New York city.

In New York city polls open at six o'clock in the forenoon and close at four o'clock in the afternoon.

## REGISTRATION DAYS

**In cities and villages of five thousand inhabitants or more, except New York and Brooklyn :**

First meeting, October 11.

Second meeting, October 12.

Third meeting, October 18.

Fourth meeting, October 19.

Meeting for correction of registry by order of court, October 26.

Hours of registration from 9 A. M. to 9 P. M. with not more than two intermissions of one hour each.

**In New York city and Brooklyn :**

First meeting, October 8.

Second meeting, October 16.

Third meeting, October 25.

Fourth meeting, October 26.

Review of registration in Brooklyn, October 31, from 8 A. M. to 11 P. M.

Hours of registration in Brooklyn from 7 A. M. to 10 P. M.

Hours of registration in New York city from 8 A. M. to 9 P. M.

**In election districts other than cities and villages of five thousand inhabitants or more :**

First meeting, October 12.

Second meeting, October 19.

Hours of registration from 9 A. M. to 9 P. M., with not more than two intermissions of one hour each.

**NOMINATIONS OF CANDIDATES.**

Party nominations to be filed with secretary of state.

Earliest day, September 26.

Latest day, October 6.

Independent nominations :

Earliest day, September 26.

Latest day, October 16.

Party nominations to be filed with county clerks or board of police commissioners of city of New York, or the board of elections of the city of Brooklyn :

Earliest day, October 1.

Latest day, October 11.

Independent nominations :

Earliest day, October 6.

Latest day, October 21.

Declination of party nominations, notice to be given before October 22.

Declination of independent nominations, notice to be given before October 24.

Objection to nominations may be filed within three days after filing of certificates.

Vacancies in nominations and correction of certificate, certificates relative to, to be filed before October 26.

Publications of nominations to be made before October 30.

Lists for town clerks and aldermen to be sent before October 30.

**BALLOTS.**

Sample ballots and *fac similes* of official ballots to be in possession of officer or board charged with providing ballots and open to public inspection as follows : The ballots before October 31 and the *fac similes* of the official ballots before November 1.

**POLLING PLACES.**

Designation of places for registry and voting, September 3.

# INSPECTORS OF ELECTION, POLL CLERKS AND BALLOT CLERKS,

THEIR

QUALIFICATIONS, APPOINTMENT, ELECTION,  
TERMS AND COMPENSATION.

---

## Qualifications for holding office.

“No person shall be capable of holding a civil office who shall not, at the time he shall be chosen thereto, be of full age, a citizen of the United States, a resident of the state, and if it be a local office, a resident of the political subdivision or municipal corporation of the state for which he shall be chosen, or within which the electors electing him reside, or within which his official functions are required to be exercised.” (§ 3, *Public Officers' Law*, chap. 681, *Laws* 1892.)

**Inspectors, poll clerks, ballot clerks, registrars, etc.,  
for cities except New York.**

“All inspectors of election, poll clerks and ballot clerks, in the various cities of this state, except the city of New York, shall hereafter be appointed by the mayor of such city, who shall also have power to fill all vacancies which may, from any cause, arise. It shall be the duty of the mayor of each city, except the city of New York, annually, on the first Tues-

Qualifica-  
tions for  
holding  
office.

Appoint-  
ments, how  
made.



**Party representation.**

**Lists of persons qualified.**

**Vacancies**

day of September, to appoint four inspectors of election, two poll clerks and two ballot clerks for each election district in said city, who shall hold office for the term of one year from such Tuesday, and shall serve as such inspectors, poll clerks and ballot clerks at all general, special, charter and municipal elections held in said city during their term of office. Two of the said inspectors of election, one of the said poll clerks and one of the said ballot clerks, for each district, shall belong to the same political party or be of the same political faith and opinion on state and national issues as the political party which shall have polled the highest number of votes for state officers at the last preceding general election, and the other two of said inspectors of election and the other poll clerk and ballot clerk shall belong to and be of the same faith and opinion on state and national issues as the other political party which shall have polled next to the highest number of votes for state officers at the last preceding general election. On or before the tenth day of August in each year, the chairman and secretary of the general city committee of each of the several political parties, in cities where there is a general city committee, and in cities where there is no such committee, then by the chairman and secretary of the general county committee, or the chairman and secretary of a committee performing the same duties as a general city or county committee under a different name, may make and file with the said mayor a list of persons qualified to be such inspectors, poll clerks and ballot clerks, and thereupon appointments shall be made by the mayor, as hereinbefore provided, from the persons named in such list or lists. If vacancies occur the said chairman and secretary of the said committee may submit the names of other persons in like manner, and thereupon appointments

shall be made by the mayor as hereinbefore provided from the persons named in such list or lists; and if any of the persons so named as aforesaid shall not be qualified the chairman and secretary of the committee by whom they were named may, within ten days after notice to them of the persons so disqualified, submit the names of other persons duly qualified, and thereupon the appointments shall be made by the mayor as hereinbefore provided from the persons named in such list or lists. If more than one list for any political party is submitted to the mayor, the appointment shall be made from the list if any submitted by the organization of such party recognized as regular by the state convention of such party held next before such tenth day of August; or if the regularity of any of the organizations of a party submitting two or more such lists shall not have been passed on by such state convention of such party, then such appointment shall be made from the list submitted by the organization decided to be regular by the state committee appointed by or organized in pursuance of such state convention. All persons so appointed inspectors of election, poll clerks or ballot clerks shall be citizens of the United States and of the state of New York, of good character, not previously convicted of crime, and able to read, write and speak the English language understandingly, qualified voters in the ward within which they are appointed to act, and not candidates for any office to be voted for by the electors of the election district for which they shall be appointed. The list or lists of names so submitted shall be published in the official newspapers published in cities having the same, and in cities where there are no official newspapers, or where such official newspapers represent but one of the two principal political parties, then in two daily newspapers published in such city having the largest circulation, and which shall represent, respectively, the two political parties which cast at the last preceding election the largest and next to the largest number of votes, and the expense of such publication shall be paid by the city in which such publication is made. The persons so appointed shall be

Appoint-  
ments from  
lists.

Qualifica-  
tions of  
appointees.

Publication  
of lists.

Oath of  
office.

notified, and shall each take and subscribe before the said mayor, within twenty days of the date of the notice of appointment, the constitutional oath of office. Whoever shall be appointed and sworn into office as inspector of election, poll clerk or ballot clerk, shall receive a certificate of appointment from the mayor, said certificate to be in such form as shall be prescribed by the said mayor, and to specify the election district in and for which the person to whom the same is issued is appointed to serve and the date of the expiration of his term of office. Provided, that any inspector of election, poll clerk or ballot clerk who shall, at any time, be appointed to fill a vacancy, which fact shall be stated in a certificate of appointment, shall hold office only during the unexpired term of his predecessor. Any person violating any of the foregoing provisions shall be deemed guilty of a misdemeanor, and shall be liable to punishment therefor." And, provided, further, that in any city, except the city of New York, having commissioners of elections, constituting a board of elections, said board shall on or before the fifteenth day of September in each year appoint for each election district two persons to serve as registrars of elections, who shall also serve as and be inspectors of election on or at any election. On or before the fifteenth day of October in each year, they shall appoint for each election district two other persons to serve as inspectors of elections, and four persons to serve as canvassers, two persons to serve as poll clerks, and two persons to serve as ballot clerks. In each election district one of the two registrars, one of the two inspectors, and two of the four canvassers, and one of the two poll clerks and one of the two ballot clerks shall belong to the same political party or be of the same political faith and opinion on state and national issues, and those registrars,

Certificate  
of appoint-  
ment.

Terms of  
appointees  
to fill  
vacancies.

Violations.

Appoint-  
ment of  
registrars  
in certain  
cities.

Inspectors,  
canvassers,  
poll clerks,  
etc., for  
such cities.

Party rep-  
resenta-  
tion.

inspectors, canvassers, poll clerks and ballot clerks appointed to represent the party in the political minority on state issues in said city and county, shall be selected solely by the commissioner or commissioners of elections representing such political minority in said board, so that one of such registrars, two of such canvassers, one of the two poll clerks, and one of the ballot clerks for each election district, shall belong to and be of the same political faith and opinion on state and national issues as the political party which, at the last preceding general election for state officers, cast the highest number of votes in the said city and the remainder of such registrars and remaining inspectors, and canvassers, poll clerk and ballot clerk, for each election district, shall belong to and be of the same political faith and opinion on state and national issues as the political party which, at such election, cast the next highest number of votes for said officers in said city and county. On or before August fifteenth in any year the chairman of the executive committee of the general committee of each of said several political parties in and for the said city and county in which said city is situate, may make and file with the said board of elections a list of persons qualified to be such registrars, inspectors, canvassers, poll clerks and ballot clerks, and thereupon appointments shall be made as hereinbefore provided from the persons named in such list or lists; and if any of the persons so named shall not be qualified the chairman of the committee by whom they were named may within ten days after notice to him that the persons are disqualified, submit names of other persons duly qualified, and if the names of qualified persons shall not be submitted as above provided the board of elections shall select and appoint qualified persons belonging to the political party entitled to name such

Lists of  
persons  
qualified.

Appoint-  
ments from  
lists.

Qualifica-  
tions of  
registrars,  
inspectors,  
etc.

Notice of  
appoint-  
ment.

Oath of  
office.

Certificate  
of appoint-  
ment.

Term of  
office.

officers. If more than one list for any political party is submitted to the board of elections the appointment shall be made from the list, if any, submitted by the organization of such party recognized as regular by the state convention of such party held next before such fifteenth day of August. Or if the regularity of any of the organizations of a party submitting two or more lists shall not have been passed on by such state convention of such party, then such appointment shall be made from the list submitted by the organization decided to be regular by the state committee appointed by or organized in pursuance of such state convention. The persons so appointed, registrars, inspectors of election, canvassers, poll clerks or ballot clerks shall be citizens of the United States and of the state of New York, of good character, and able to read, write and speak the English language understandingly, and shall be qualified voters of said city and not candidates for any office to be voted for by the electors of the election district for which they shall have been appointed in the election at which they shall serve. The persons so appointed shall be notified of their appointment within ten days of their appointment and shall each take and subscribe before any member of said board of elections or the chief clerk of said board within twenty days from the date of notice of appointment the constitutional oath of office. Whoever shall be appointed or sworn into office as a registrar, inspector of election, canvasser, poll clerk or ballot clerk shall receive a certificate of appointment from the board of elections, such certificate to be of such form as shall be prescribed by the said board and to specify the election district in and for which the person to whom the same was issued is appointed to serve and the date of the expiration of his term of office. The registrars,

inspectors of election, canvassers, poll clerks and ballot clerks appointed under the provisions of this act shall hold office for one year unless sooner removed for cause, in which case such removal, unless made while such officer is actually on duty on the day of registration, revision of registration, or election, and for improper conduct as an election officer, shall only be made after notice in writing to the officer to be removed, which notice shall set forth clearly and distinctly the reasons for his removal; and any vacancy occurring in either of said offices by reason of resignation or inability to serve may be filled in like manner as in the first instance and appointed to such office at any time before the opening of the polls on election day. In case any registrar shall fail to attend on the day or days of registration or any inspector, canvasser, poll clerk, or ballot clerk so appointed shall fail to attend at the opening of the polls on election day, a registrar of like political faith shall be appointed by said board of elections in the place of one so failing to attend upon such registration and the inspectors of like political faith may appoint one in the place of him so failing to attend at the opening of the polls on such election day; and in case of any vacancy occurring during the voting and canvassing of votes such vacancy may be filled by the inspectors or canvassers of like political faith and said canvassers and inspectors shall recognize as the only proper and competent poll clerks and ballot clerks those persons who shall produce certificates of appointments bearing the latest date and none other. But in no case shall both the poll clerks or ballot clerks or registrars or more than two of the persons serving as inspectors or canvassers in any election district be of the same political faith and opinion; and in case of the appointment of a poll clerk or ballot clerk to fill a vacancy after the opening

Removal  
for cause.

Vacancies,  
how filled.

Terms of  
appointees  
to fill  
vacancies.

of the polls on election day, as above provided, the chairman of the board of inspectors or the chairman of the board of canvassers shall administer the usual oath of office to such poll clerk or ballot clerk before such poll clerk or ballot clerk shall enter upon the discharge of his duties. Provided, that any registrar, inspector of election, canvasser, poll clerk or ballot clerk who shall at any time be appointed to fill a vacancy, which fact shall be stated in his certificate of appointment, shall hold office only during the unexpired term of his predecessor, and that no inspector of election, poll clerk, ballot clerk or canvasser shall be transferred from one election district to another after he has entered upon the performance of his duties. (§ 11 of the *Election Law*, thus amended by chap. 1035, *Laws* 1895.)

### Eligibility of inspectors in towns.

Must be  
able to read  
or write.

"Every elector of the town shall be eligible to any town office, except inspectors of election shall also be able to read or\* write. \* \* \* " (*Extract from Town Law*, § 50, chap. 569, *Laws* of 1890.)

### Election of inspectors in towns.

Two in-  
spectors to  
be elected.

"There shall be elected at the annual town meeting in each town, by ballot, \* \* \* and two inspectors of election for each election district in the town \* \* \* All such officers, except justice of the peace, shall hold their respective offices until others are elected in their place and have qualified." (*Extract from Town Law*, § 12, chap. 569, *Laws* 1890, as amended by chap. 344, *Laws* 1893.)

### Appointment of additional inspectors in towns.

Appoint-  
ment, by  
presiding  
officer.

"The presiding officer of each annual town meeting shall, immediately after the votes are canvassed, appoint by writing, two additional inspectors of election for each election district, to be associated with the two inspectors who shall

---

\* So in the original.

have been elected, and which inspectors, so to be appointed, shall be those two persons in each election district who shall have received the highest number of votes next to the two persons who shall have been elected inspectors, and which inspectors, so to be appointed, shall belong to and be of the same political faith and opinion on state and national issues as one or the other of the two political parties which, at the last preceding general election for state officers, shall have cast the greatest and next to the greatest number of votes in said town, but they shall not belong to the same political party nor be of the same political faith and opinion on state and national issues as the inspectors who shall have been elected. If the two inspectors elected belong to different political parties, the inspectors appointed shall be the two candidates for inspectors not elected and receiving the highest and next to the highest number of votes respectively, and belonging to different political parties. No ballot shall be counted upon which more than two names for inspector for any one election district shall appear. The various election inspectors elected, or elected and appointed, for towns, under the provision of existing laws, shall continue to serve as such inspectors until January first, eighteen hundred and ninety-five. On or before the second Tuesday in September next the several election inspectors in the various towns, appointed under the provisions of existing laws, shall each appoint one additional election inspector, who shall serve with the other three election inspectors during their term of office; such appointment shall be made in writing and filed in the office of the town clerk. Such additional inspector shall belong to and be of the same political faith on state and national issues as the political party which at the last preceding town meeting shall have cast next to the highest number of votes, and when possible shall be one of the persons who, at the said town meeting, received next to the highest number of votes for election inspector. The additional inspector so appointed shall be subject to the provisions of existing laws, and of this act." (§ 19, *Town Law, thus amended by chap. 348, Laws 1894.*)

Party  
representa-  
tion.

Powers as  
to counting  
ballots.

Appoint-  
ments by  
inspector  
in 1894.



### Form for appointment of additional inspectors in towns.

Form for  
appointment.

"We, the presiding officers of the annual town meeting, held in the town of....., on the....day of....., 189.., do hereby appoint A B and C D in election district No. 1, E F and G H in election district No. 2, and I J and K L in election district No. 3, in said town, inspectors of election in said districts, respectively, to be associated with the two persons in each of said districts, respectively, who have this day been elected inspectors of elections for the ensuing year."

Dated at....., this....day of....., 18..

(To be signed by a majority of the presiding officers and filed with the town clerk.)

### Term of office of inspectors in towns.

Term one  
year.

"Inspectors of election and constables, when elected, shall hold their respective offices for one year, \* \* \*

Provide up-  
on change  
of time of  
town meet-  
ing.

But whenever there is or shall be a change in the time of holding town meetings in any town, persons elected to such offices at the next annual town meeting after such change shall take effect, shall enter upon the discharge of their duties at the expiration of the term of their predecessors, and serve until the next annual town meeting thereafter or until their successors are elected and have qualified."

(*Extract from Town Law, § 13, chap. 569, Laws 1890, as amended by chap. 344, Laws 1893.*)

### Oath of office of inspectors in towns.

Oath to be  
taken  
within ten  
days after  
notice.

"Every person elected or appointed to any town office, except justice of the peace, shall before he enters on the duties of his office, and within ten days after he shall be noti-

fied of his election or appointment, take and subscribe before some officer authorized by law to administer oaths in his county, the constitutional oath of office, and such other oath as may be required by law, which shall be administered and certified by the officer taking the same without reward, and shall within eight days be filed in the office of the town clerk, which shall be deemed an acceptance of the office ; and a neglect or omission to take and file such oath, or a neglect to execute and file, within the time required by law, any official bond or undertaking, shall be deemed a refusal to serve, and the office may be filled as in case of vacancy." (§ 51, *Town Law*, chap. 569, *Laws of 1890*.)

To be filed within eight days.

Neglect to file oath.

**Form of oath for elected inspectors of election.**

STATE OF NEW YORK, {  
County of ———. } ss.:

"I do solemnly swear (or affirm) that I will support the constitution of the United States and the constitution of the state of New York, and that I will faithfully discharge the duties of the office of inspector of election, according to the best of my ability. And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay, contributed or offered or promised to contribute, any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office, and have not made any promise to influence the giving or withholding any such vote."

Form of oath for elected inspectors.

(Signed).....

Subscribed and sworn before me, {  
this....day of.....189.. }

.....

**Form of oath for appointed inspectors of election.**

STATE OF NEW YORK, }  
County of ———. } ss.:

Form of  
oath for  
appointed  
inspectors.

I do solemnly swear I will support the constitution of the United States and the constitution of the state of New York, and that I will faithfully discharge the duties of the office of inspector of election according to the best of my ability.

(Signed).....

Subscribed and sworn to before me, }  
this....day of.....189.. }

.....

(Inspectors in towns should take the foregoing oaths before some officer authorized by law to administer oaths in the county, within ten days after being notified of appointment, and within eight days file the same in the office of the town clerk. The result of the canvass read at a town meeting is a notice of election to an inspector whose name is upon the poll-list. If his name does not appear as a voter on the poll-list the town clerk must notify him within ten days. Inspectors in cities should take the foregoing oath before the mayor of the city, or a member of a board of elections, making the appointment within twenty days of the date of the notice of appointment.)

**Filling of vacancies other than at meetings of inspectors by town board.**

Town  
board  
may fill  
vacancy.

“ When a vacancy shall occur or exist in any town office, the town board or a majority of them may, by an instrument under their hands and seals, appoint a suitable person to fill the vacancy, and the person appointed, except justices of the peace, shall hold the office until the next annual town meeting. \* \* \* The board making the appointment shall

Appoint-

cause the same to be forthwith filed in the office of the town clerk, who shall forthwith give notice to the person appointed.” ment to be filed.

\* \* \* (§ 65, *Town Law, chap. 569, Laws of 1890.*)

“A vacancy in a board of inspectors of election may be filled by the town board by the appointment of any person qualified, but the two principal political parties should be represented on the board of inspectors.” Who may be appointed. (*Opinion Attorney-General.*)

**Form for appointment, by town board, of inspectors to fill vacancies.**

“A B is hereby appointed inspector of election in and for District No. . . . ., in the town of . . . . ., to fill the vacancy occasioned by the neglect of C D to take and file oath (or occasioned by the death, removal or inability to serve, as the case may be of C D).” Form for appointment.

Given under our hands and seal this }  
 .... day of . . . . ., 18... }

D E, *Supervisor.* [L. s.]

R O, *Town Clerk.* [L. s.]

K L, [L. s.]

H I, [L. s.]

P R, [L. s.]

*Justices of the Peace.*

(The above to be forthwith filed in the town clerk's office.)

**Organization of boards of inspectors; supplying vacancies and absences.**

**Chairman.** "Before otherwise entering upon their duties, the inspectors of each district shall meet and appoint one of their number chairman; or, if a majority shall not agree in such appointment, they shall draw lots for that position. If at the time of any meeting of the inspectors there shall be a vacancy in the office of any inspector, or if any inspector shall be absent from any such meeting, the inspector or inspectors present shall appoint a qualified elector of the district who shall be a member of the same political party as the absent inspector, to fill such vacancy or to act as inspector in the place of such absent inspector, until such absent inspector shall appear. If, at any such time, the offices of all inspectors are vacant, or no inspector shall appear within one hour after the time fixed by law for the opening of such meeting, the qualified voters of the district present, not less than ten, may designate four qualified voters of the district to fill such vacancies, or to act in the place of such inspectors respectively until the absent inspectors respectively appear. If, at any time, there shall be a vacancy in the office of any poll clerk or ballot clerk, or if any poll clerk or ballot clerk shall be absent from such meeting, the inspector or inspectors present shall appoint a qualified elector of the district, who shall be a member of the same political party as the absent poll clerk or ballot clerk, to fill such vacancy, to act as such poll clerk or ballot clerk, as the case may be, in the place of such absent poll clerk or ballot clerk until such absent poll clerk or ballot clerk shall appear. Such appointments and designations shall be made from the political parties polling the highest and next highest number of votes for state officers at the next preceding gen-

Filling of  
vacancies  
and ab-  
sences by  
inspectors.

Filling of  
vacancies  
and ab-  
sences by  
voters.

Vacancies  
and ab-  
sence in  
office of  
poll clerk  
or ballot  
clerk.

Appoint-  
ments, etc.,  
how made.

eral election for such officers, and so that not more than two of such inspectors shall belong to the same political party. Every person so appointed or designated to act as inspector shall take the oath of office required of inspectors of election. This section shall not apply to the city of Brooklyn." (§ 15 of *Election Law of 1892. Thus amended by chap. 348, Laws 1894.*)

Oath of office.

**Appointment of presiding officer at town meetings, in case of absence.**

"The justices of the peace present thereat shall preside at town meetings; in case none of them are present the voters present shall choose a presiding officer." (*Opinion Attorney-General.*)

Voters may choose presiding officers.

**Form for appointment, by inspectors, of inspector to fill vacancy.**

There being a vacancy in the office of inspector for election district No. .... of the town of ....., held by A B, I (or we) hereby appoint C D to fill such vacancy.

Form for appointments by inspectors.

Dated the .... day of ....., 189..

F G,

*Inspector of Election.*

(To be filed in city or town clerk's office.)

**Form for designation, by inspectors, of elector to act as inspector.**

A B, not being present at the meeting of the inspectors held this day, I (or we) hereby designate C D, a duly qual-

Form for designation by inspectors.

ified elector of election district No. .... of the town of  
 ....., to act as inspector, in place of A B until he  
 shall appear.

Dated the .... day of ....., 189..

F G,  
*Inspector of Election.*

(To be filed in city or town clerk's office.)

**Form for designation, by electors, to fill vacancies.**

Form for  
 designation  
 by electors.

The offices of all the inspectors of election district No.  
 .... of the town of ....., being vacant, we, the  
 undersigned, qualified voters of said district, present, do  
 hereby designate A B and C D, duly qualified voters of the  
 said district, to fill such vacancies.

(Should be signed by not less than ten duly qualified electors and filed  
 in city or town clerk's office.)

**Form for designation, by electors, of persons to act as  
 inspectors.**

Form for  
 designation  
 by electors.

All the inspectors of election for election district No. ....  
 of the town of ....., not appearing within one hour  
 after the time fixed by law for the opening of the meeting  
 of inspectors held this day, we, the undersigned, duly quali-  
 fied electors of said district, hereby appoint A B to act in  
 the place of C D, and E F to act in the place of G H, or  
 until such absent inspectors, respectively, appear.

Dated this .... day of ....., 189..

(To be signed by not less than ten duly qualified electors and filed in  
 city or town clerk's office.)

**Form of oath for persons appointed or designated to  
 act as inspectors.**

Form of  
 oath for  
 person

I do solemnly swear I will support the constitution of  
 the United States and the constitution of the state of New

York, and that I will faithfully discharge the duties of the office of inspector of election according to the best of my ability.

Signed.....

Subscribed and sworn to before me, }  
this....day of.....189.. }

.....

(To be filed in city or town clerk's office.)

### Poll clerks and ballot clerks for towns.

"There shall be two poll clerks and two ballot clerks in each election district of the various towns, who shall be voters therein, and such clerks must be of good character and able to read and write the English language. One of such poll clerks and one of such ballot clerks shall belong to and be of the same political faith and opinion on state and national issues as the political party polling the highest number of votes for state officers at the last preceding general election at which state officers were elected, and one poll clerk and one ballot clerk shall belong to and be of the same political faith and opinion on state and national issues as the political party polling the next highest number of votes for such state officers at the said last preceding general election. At the first meeting of the inspectors of election in every district in which the law provides for the election of inspectors, the inspectors elected shall appoint one of the poll clerks and one of the ballot clerks, and the inspectors appointed shall appoint the other poll clerk and ballot clerk. Such appointment shall be in writing signed by the inspectors making the appointments respectively, and shall be filed by them with the town clerk of the town in which such election district is situated. The poll clerks and ballot clerks so appointed shall hold their offices during the term of office of the inspectors appointing them. The term, inspectors of election, as used in this section,

designated  
or ap-  
pointed.

Appoint-  
ments and  
qualifica-  
tions of  
clerks.

Appoint-  
ments, how  
made.

Term of  
office.

Definitions.



Vacancies  
and ab-  
sences at  
elections.

Oath of  
office.

shall include inspectors authorized to be elected. If at the time of any election at which poll clerks and ballot clerks are required to be present at the polling place in any election district, the office of a poll clerk or of a ballot clerk of such district shall be vacant, or a poll clerk or a ballot clerk of the district shall be absent, the inspectors of election of such district shall forthwith appoint a person to fill such vacancy, or designate a person to act in the place of such absent poll clerk or ballot clerk until he shall appear. Such person so appointed or designated shall, before he acts as such poll clerk or ballot clerk, take the constitutional oath of office." (§ 12 of *Election Law of 1892. Thus amended by chap. 348, Laws 1894.*)

#### Clerks of election, qualifications of.

Qualifica-  
tion

"A clerk of election should be twenty-one years of age and a resident of the district for which he is appointed." (*Opinion Attorney-General.*)

#### Form for appointment of poll clerks and ballot clerks in towns.

Form for  
appoint-  
ment.

We, the undersigned, inspectors of the....election district of the town of....., on this....day of November, A. D. 18.., do hereby appoint A B and C D to the office of poll clerk (or ballot clerk) in and for said district for the ensuing year.

Dated November...., 18..

A B,  
C D,  
E F,  
*Inspectors.*

(Appointment to be filed with town clerk or city clerk).

#### Form of oath for poll or ballot clerk.

Form of  
oath.

I do solemnly swear I will support the Constitution of the United States and the Constitution of the state of New York,

and that I will faithfully discharge the duties of the office of poll or ballot clerk, according to the best of my ability.

(Signed) .....

Subscribed and sworn to before me, }  
this .... day of ..... 189.. }

.....

(The above oath may be administered by the chairman of the board of inspectors after he shall have taken an oath of office, or any other officer authorized to take the acknowledgement of deeds, and is to be filed with town clerk.)

**Form for appointment of poll or ballot clerk  
to fill vacancy.**

There being a vacancy in the office of poll clerk (or ballot clerk) in election district No. .... of the town of..... we hereby appoint C D to fill such vacancy.

Form for appointment to fill vacancy.

Dated this .... day of ....., 189..

J F,  
S T,

*Inspectors of Election.*

**Form for designation of person to act in place of  
absent poll or ballot clerk.**

A B, a duly appointed poll or ballot clerk, not being present at the meeting of inspectors of election, in election district No. .... of the town of ....., held this day, I (or we) hereby designate C D to act as poll or ballot clerk, in place of A B, until he shall appear.

Form for designation to act during absence.

Dated this .... day of ....., 189..

E F,

*Inspector of Election*

(The above appointments or designations to be filed with the town clerk or city clerk )

**Compensation of inspectors, poll clerks and ballot clerks.**

"The following town officers shall be entitled to compensation at the following rates for each day actually and necessarily devoted by them to the service of the town, in the duties of their respective offices, when no fee is allowed by law for the service: The supervisor except when attending the board of supervisors, town clerks, assessors, commissioners of highways, justices of the peace, overseers of the poor,

Compensation of inspectors and poll clerks in towns.

inspectors of election and clerks of the polls, two dollars per day, each of them." (§ 178, *Town Law, chap. 569 Laws of 1890, as amended by chap. 297, Laws of 1893.*)

Inspectors  
in cities.

For compensation of inspectors of election in cities, reference should be made to the several city charters.

Compensa-  
tion. town,  
city or  
village  
charge.

"The expense of providing polling places, \* \* \* and the compensation of the election officers in each election district, shall be a charge upon the town or city in which such election district is situated, except that such expenses incurred for the purpose of conducting a village election not held at the same time as a general election, shall be a charge upon the village. \* \* \*

Ballot  
clerks and  
clerks of  
registry in  
cities.

"Ballot clerks and persons acting as such, and clerks of boards of registry in cities, except New York and Brooklyn, shall receive the same compensation for their attendance at an election, or meeting for registry in pursuance of law, as inspectors of election, and be paid in like manner. An inspector of election lawfully required to file any papers in a county clerk's office shall, unless he reside in a city or town in which such office is situated, be entitled to receive as compensation therefor, five dollars, and also four cents a mile for every mile actually and necessarily traveled between his residence and such clerk's office, in going to and returning from such office." (*Extract from § 17, Election Law, chap. 680, Laws 1892. Thus amended by chap. 810, Laws 1895.*)

Fees of  
inspectors  
for filing  
papers.

### **Compensation of person appointed or designated to act as inspector, poll clerk or ballot clerk.**

Compensa-  
tion for act-  
ing as in-  
spector, etc.

Although there appears to be no special provision of law, there is scarcely a doubt, that a person duly appointed and qualified to act during the absence of an inspector, poll clerk or ballot clerk, is an election officer, and as such is entitled to compensation for the time actually and necessarily devoted by him to the services of the city or town.

### **Payment of compensation of inspectors in towns.**

Bills to be  
rendered to  
town board.

By the provisions of § 17 of the election law, above set forth, the compensation of election officers is made a town charge, and bills therefor should be rendered to the town board at their second annual meeting, on the Thursday next preced-

ing the annual meeting of the board of supervisors. Bills, should be made out in conformity with the following section of the town law.

### Accounts of inspectors in towns, how made out.

"No account shall be audited by any board of town auditors or supervisors \* \* \* for any services or disbursements unless such account shall be made out in items and accompanied with an affidavit attached thereto, and to be filed with such account, made by the person presenting or claiming the same, that the items of such account are correct and that the disbursements and services charged therein have been in fact made or rendered or are necessary to be made or rendered at that session of the board, and stating that no part thereof has been paid or satisfied; and the chairman of the board \* \* \* may administer any oath required under this section." (*Extract from § 167, Town Law, chap. 569, Laws 1890.*)

Account to  
be made out  
in items.

Affidavit  
thereto.

### Form for bill for compensation.

		ALBANY, November ...., 18..	Form for bill.
TOWN OF GUILDERLAND,			
TO JOHN SMITH, INSPECTOR OF ELECTION, Dr.			
1893.			
Oct.	22.	To attendance at meeting for registry,	\$1 00
	29.	To attendance at meeting for registry,	4 00
Nov.	9.	To attendance at election†.....	4 00
	10.	To filing election returns, etc., in county clerk's office*.....	5 00
	10	To mileage in filing election returns, etc., in county clerk's office, 20 miles, at 4c*.....	80
			<hr/> \$17 80
Received payment,			<hr/> <hr/>
JOHN SMITH.			

\* In county seat towns inspectors cannot charge for this service, and only the inspector designated to file returns should include this item in his bill.

† There appears to be no general provision of law fixing the number of hours for a day's service. The question is appropriately one for settlement by town or city auditing boards. It is customary, however, in many of the counties, to allow two day's compensation for each day of attendance at meetings for registry and on election day.

**Form for affidavit to be attached to bill and filed therewith.**

**Form for  
affidavit.**

STATE OF NEW YORK, } ss.:  
ALBANY COUNTY.

John Smith, inspector of election for the first election district of the town of Guilderland, in said county, being duly sworn, deposes and says, that the items contained in the foregoing account are correct, and that the services charged therein have been in fact rendered and that no part thereof has been paid or satisfied.

JOHN SMITH,  
*Inspector of Election.*

Sworn to before me, this .... }  
day of ....., 18.. }

.....

(The above oath may be taken before the chairman of the town board or any other person authorized to administer oaths.)

# Primaries, Conventions and Nominations.

(ARTICLE 3 OF THE ELECTION LAW AS AMENDED IN 1893 AND 1895.)

## Definitions of primary and convention.

§ 50. As used in this article, a convention is an assemblage of delegates representing a political party, duly convened for the purpose of nominating candidates for office, electing delegates to conventions, electing officers for party organizations, or for the transaction of any other business relating to the affairs or conduct of the party; and a primary is any other assemblage of voters of a political party, duly convened for any such purpose.

## Notice of primary.

§ 51. No primary shall be held in a city or village having a population of over five thousand, as shown by the then last state or federal enumeration, unless at least two days' notice thereof shall be published in a daily newspaper in such city or village, of the same politics with the party giving the notice, at least twice; but if no such newspaper is published in the same city or village where such primary is to be held, such notice shall be posted in at least six public places in such city or village at least two days next preceding such primary, and published in a weekly newspaper, if any, in such city or village of the same politics of the party giving the notice, before such primary is held. Such primary shall be opened at such hour between nine o'clock in the forenoon and nine o'clock in the afternoon, as may be prescribed by the party organization or association holding the same.

Elsewhere than in such a city or village, every primary shall be called and held pursuant to notice given according to the regulations and usages of the party organization holding it.

**Organization and conduct of primaries.****Presiding  
officers.****Conduct of  
primaries.****Additional  
require-  
ments.****Filing of  
papers.**

§ 52. Every primary held by any political party, organization or association for the purposes of choosing candidates for office or the election of delegates to conventions or for the purpose of electing officers of any political party, organization or association, shall be presided over and conducted by officers to be selected in the manner prescribed by the rules or regulations of the party, organization or association holding such primary. If the rules and regulations of the political organization calling it so require, or if it shall be, by a vote of the electors present, so resolved, or, if it be in a city or village having a population of over five thousand according to the then last preceding federal or state enumeration and five qualified voters of the district where it is held, belonging to the political party calling it, shall serve upon the secretary or chairman of the general committee of the party or its organization in such city or village or upon the chairman of the district committee, a written demand stating that they so require it, the following additional requirements, or such of them as may be specified in such demand, shall be complied with:

1. The chairman and other officers shall take the constitutional oath of office.
2. Candidates and delegates and officers of the organization or committee shall be chosen by ballot.
3. The meeting shall be held open not less than one hour for voting thereat.
4. The tellers shall keep a poll-list of the name and residence of each person voting, and assist the secretary in the canvass of the votes.
5. An elector shall be appointed watcher for each candidate or set of candidates or delegates requesting the same.
6. The chairman shall publicly announce the number of votes cast for each candidate and the result of the canvass at the completion thereof, and shall, if the primary be held in a city or village having a population of more than five thousand as shown by the then last preceding federal or state enumeration, file a statement of such result and the oath taken at such primary and the poll-list kept thereat in

the office of the county clerk if located in such city or village, and otherwise, in the office of the city or village clerk and the papers so filed shall be public records and open to inspection and examination by any elector of the state.

**Qualifications of voters at primaries.**

§ 53. No person shall be entitled to vote at any primary unless he may be qualified to vote for the officers to be nominated thereat, on the day of election. They shall possess such other qualifications as shall be authorized by the regulations and usages of the party holding the primary.

**Duties of chairman of primary.**

§ 54. The chairman may administer any oath required to be administered at any primary. He shall decide all questions that arise relating to the qualification of voters; and shall reject all votes offered when challenged by an elector, unless the person offering the vote shall be sworn that he will truly answer all questions put to him touching his qualifications as such voter, and shall state under oath that he is qualified to vote at such primary.

**Watchers and canvass of votes at primary.**

§ 55. The ballot-boxes used at any primary shall be examined by the secretary and by the tellers, if any, in the presence of the watchers, if any, before any ballots are received to see that there are no ballots therein. Such watchers are entitled to be present from the commencement of the primary to the close of the canvass, and signing of the certificates thereof. At the close of the canvass of the ballots cast for each candidate, the secretary shall publicly announce the vote and the result of the canvass.

**Misdemeanors at political caucuses and conventions.**

“Any person who,

1. Votes or attempts to vote at a political caucus or convention without being entitled to do so; or,
2. By bribery, menace or other corrupt means, directly or indirectly, attempts to influence the vote of any person entitled



to vote at such caucus or convention, or obstructs such person in voting, or prevents him from voting thereat ; or,

3. Fraudulently or wrongfully does any act tending to affect the result of an election at such caucus or convention ; or,

4. Being an officer, teller or canvasser thereof, willfully omits, refuses or neglects to do any act required by the election law, or refuses to permit any person to do any act authorized thereby, or makes or attempts to make any false canvass of the ballots cast at such caucus or convention or statement of the result of a canvass of the ballots cast thereat ; or,

5. Induces or attempts to induce any officer, teller or canvasser of such caucus or convention to do any act in violation of his duty ; or,

6. Directly or indirectly, by himself or through any other person, pays, or offers to pay money or other valuable thing to any person to induce any voter or voters to vote or refrain from voting at such caucus or convention for any particular person or persons ; or,

7. Directly or indirectly, by himself or through any other person, receives money or other valuable thing before, at or after such caucus or convention for voting or refraining from voting for or against any person at such caucus or convention, is guilty of a misdemeanor, punishable by imprisonment for not more than one year." (*Thus amended by chap. 721, Laws 1895, to take effect Sept. 1, 1895.*)

### Party nominations ; choice of emblems for ballots.

Party  
nominations,  
how  
made.

"Nominations of candidates for public office may be made by a convention or primary, or by a duly authorized committee of such convention or primary, of any political party or other nominating body which, at the last general election before the holding of such convention or primary, polled ten thousand votes in the state, or one per cent. of the entire votes cast in the district thereof for which said convention or primary is held. Such nominations shall be known as party nominations.

Certificates  
of nominations.

The certificate whereby such nominations are certified shall be known as a party certificate of nomination. Such certificate

shall be in writing, and shall contain the title of the office for which each person is nominated; the name and residence of each such person, and, if in a city, the street number of the residence of each such candidate and of his place of business, if any. It shall also designate, in not more than five words, the name of the party which the convention, primary or committee making such nomination represents. It shall be signed by the presiding officer and a secretary of such convention or primary, or, if made by a committee, by a majority of the members thereof, who shall add to their signatures their respective places of residence, and shall make oath before an officer qualified to take affidavits, to be used in judicial proceedings within the state, that the affiants were such officers of such convention or primary, or that they are members, and constitute a majority of such committee, and that such certificates and the statements therein contained are true to the best of their information and belief. A certificate that such oath has been administered shall be made and signed by the officer before whom the same was taken, and attached to such certificate of nomination. When the nomination is made by a committee, the certificate of nomination shall also contain a copy of the resolution passed at the convention or primary which authorized such committee to make such nomination. A certificate of nomination filed pursuant to this section may, upon its face appoint a committee of one or more persons for the purposes specified in section sixty-six of this act. When a party nomination is made by a state convention of a candidate or candidates to be voted for by the electors of the entire state, it shall be the duty of such convention to select some simple device or emblem to designate and distinguish the candidates of the political party, making such a nomination, or nominations. Such device or emblem shall be shown by a representation thereof upon a certificate signed and duly executed by the presiding officer and a secretary of said convention, to be filed with the secretary of state, and such device or emblem, when so filed, shall in no case be used by any other party or independent body. When any independent body shall make a like nomination, as

How executed and verified.

Certificates by committee.

Committee to fill vacancies, etc.

Selection of emblem by state convention.

Selection of same by

independ-  
ent body.

Emblems  
chosen to  
designate  
all candi-  
dates.

Provision  
when no  
nomination  
made for  
state.

What may  
be selected  
for em-  
blem.

Provision  
when same  
emblem or  
name des-  
ignated in  
certifi-  
cates.

provided by the fifty-seventh section of this act, it shall be the duty of the persons who shall sign and execute the certificate of nomination of such candidate or candidates, to likewise select some simple device or emblem to designate and distinguish the candidates of such independent body making such nomination, and such device or emblem shall likewise be shown by a representation thereof upon a certificate signed and duly executed by the proper parties authorized for that purpose. The devices or emblems so chosen when filed as aforesaid, shall be used to designate and distinguish all the candidates of the same political party or independent body. And if any political party or independent body shall have made no nomination of candidates for offices to be filled by the voters of the entire state, but shall nominate a candidate or candidates for office to be filled by the voters of a district thereof, it shall be the duty of the persons who shall sign and execute the certificate of nomination, in like manner to select some simple device or emblem to designate and distinguish the candidates of that political party or independent body, who are named in such certificate of nomination, and file the same in the offices or office wherein the certificates of nomination are required by law to be filed. The device or emblem to be chosen as aforesaid may be the representation of a star, an animal, an anchor or any other appropriate symbol; but neither the coat of arms nor seal of any state nor of the United States, the national flag, nor any religious emblem or symbol, nor the portrait of any person, shall be chosen as such distinguishing device or emblem. If the certificates of nomination of two or more different political parties or independent bodies shall designate the same, or substantially the same, device or emblem or party name, the officer with whom the certificates of nomination are filed shall decide which of said political parties or independent bodies is entitled to the use of such device or emblem or party name, being governed as far as may be, in his decision by priority of designation in the case of the device or emblem, and by the priority of use in the case of the party name. If the other nominating body shall present no other device, or party name, he shall himself select

for such other nominating body another device or party name, so that no two different parties shall be designated by the same device or party name. If there be a division within a party, and two or more factions claim the same, or substantially the same device or name, the officer aforesaid shall decide between such conflicting claims, giving preference of device and name to the convention or primary, or committee thereof, recognized by the regularly constituted party authorities; and if the other faction or factions shall present no other device or party name, the said officer shall select a different device and party name for such other faction, which shall be used upon the ballots to distinguish the names of its candidates. If two or more conventions are called by different authorities, each claiming to represent the same party for that purpose, the said officer shall select a suitable device and party name to distinguish the candidates of one faction from those of the others, and the ballots shall be printed accordingly. Any questions arising with reference to any device or to the political party or other name, designated in any certificate of nomination filed pursuant to the provisions of this section, or of section fifty-seven of this act, or with reference to the construction, validity or legality of any such certificate, shall be determined in the first instance by the officer with whom such certificate of nomination is filed. Such decision shall be in writing and a copy thereof shall be sent forthwith by mail by such officer to the committee, if any, named upon the face of such certificate, and also to each candidate nominated by any certificate of nomination affected by such decision. The supreme court, or any justice thereof, within the judicial district, or any county judge within his county, shall have summary jurisdiction, upon complaint of any citizen, to review the determination and acts of such officer, and to make such order in the premises as justice may require. Such a complaint shall be heard upon such notice to such person as the said court or justice or judge thereof shall direct. If any certificate of nomination of candidates to be voted for by the voters of the entire state, filed with the secretary of state, pursuant to the provisions of this act, shall omit to designate

Claims of party factions, how settled.

Questions, by whom settled.

Review of decisions by court.

Duty of secretary of state or other officers upon omission to design.

nate emblem.

a device or emblem to distinguish the candidates of the political party or independent body making such nomination, it shall be the duty of the secretary of state to select a device or emblem for that purpose, and such device or emblem so chosen shall be used to distinguish all candidates of that same party or independent body throughout the state, whether such candidates are nominated for state or for local offices; and if any certificate of nomination of candidates to be filled by the voters of a district less than the entire state shall be filed with the secretary of state, or with any other public officer, pursuant to this statute, by a political party or independent body which has made no nomination of candidates for offices to be filled by the voters of the entire state, and such certificate of nomination shall omit to designate a device or emblem to distinguish the candidates nominated in such certificate it shall be the duty of the secretary of state or other public officer with whom such certificate of nomination is filed, to select a device or emblem to represent the candidates named in that particular certificate of nomination." (§ 56, *Election Law*. Thus amended by chap. 810, *Laws* 1895.)

#### Misconduct in relation to certificates of nomination.

- A person who,
1. Falsely makes or makes oath to, or fraudulently defaces or destroys, a certificate of nomination or any part thereof; or
  2. Files or receives for filing a certificate of nomination knowing that any part thereof was falsely made; or
  3. Suppresses a certificate of nomination which has been duly filed, or any part thereof; or \* \* \* \*
- Is punishable by imprisonment for not less than one nor more than five years. (§ 41g, *Penal Code*.)

Misconduct as to certificate.

[For place and time of filing this certificate, see page 43.]

**Form for Party Certificate of Nomination by a State Convention or District Convention where no Nominations of Candidates for Offices have been made by a Political Party to be Filled by the Voters of the Entire State.**

Form for state, etc., nominations.

To the .....

(Insert name of officer with whom certificate is to be filed.)

We certify that at a convention of delegates representing the..... party, held at..... on the..... day of....., 189.., a party which, at the last general election, polled ten thousand votes in the state (or one per cent of the entire votes cast in the..... district), the following named persons were placed in nomination for offices to be filled at the next ensuing general election :

Title of office to be filled.	Name of the candidate.	Name of the party.	Place of residence of candidate.*	Place of business.*
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

We also certify that such convention selected as an emblem or device to designate and distinguish the candidates of the..... party throughout the state, a..... which emblem or device is shown by the following representation. (Insert fac simile.)

We also further certify that such convention appointed the following named person (or persons)..... a committee for the purposes specified in section sixty-six of the election law.

(Signed).....

*Presiding officer of Convention.*

(Residence, city or town, street and number, if any.)

Attest : .....

*Secretary of Convention.*

(Residence, city or town, street and number, if any.)

STATE OF NEW YORK, }  
COUNTY OF..... } ss.:

A B and C D, being severally sworn, each for himself, says that the said A B was the presiding officer of the convention of delegates mentioned and described in the foregoing certificate, and that the said C D was the secretary of such convention, and that said certificate and the statements therein contained are true, to the best of his knowledge and belief.

A B.

C D.

Severally subscribed and sworn to before )  
me, this.....day of.....189.. }

E F,

(Notary Public.)

\* If in a city, the street and number of his residence and place of business.

[For place and time of filing this certificate, see page 43.]

Form for  
district  
nominations.

**\*Form for party certificate of Nomination by a Congressional, Senatorial or Judicial District Convention.**

To the Secretary of State, Albany, N. Y.:

We certify that at a convention of delegates representing the ..... party (a party which, at the last general election polled one per cent of the entire vote cast in the said ..... district), held at ..... on the ..... day of ....., 189., in and for the ..... district, the following named persons were placed in nomination for offices to be filled at the next ensuing general election :

Title of office to be filled.	Name of the candidate.	Name of the party.†	Place of residence of candidate.‡	Place of business.‡
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

We also certify that such convention appointed the following named person (or persons) ..... a committee for the purposes specified in section sixty-six of the election law.

(Signed) .....

*Presiding officer of Convention.*

(Residence, city or town, street and number, if any.)

*Secretary of Convention.*

(Residence, city or town, street and number, if any.)

STATE OF NEW YORK, }  
COUNTY OF..... } ss.

A B and C D, being severally sworn, each for himself, says that the said A B was the presiding officer of the convention of delegates mentioned and described in the foregoing certificate, and that the said C D was the secretary of such convention, and that said certificate and the statements therein contained are true, to the best of his knowledge and belief.

A B.

C D.

Severally subscribed and sworn to before me, this ..... day of ....., 189.. }

E F,

(Notary Public.)

\* In case no nominations have been made by state convention, use preceding form.  
† To be designated in not more than five words.

‡ If in a city, the street and number of his residence and place of business.

[For place and time of filing this certificate, see page 43.]

**Convention Certificate of Nomination for a Candidate Voted for by the Voters of only one County or a Portion of a County.**

Form for  
county  
nomina-  
tion.

To the County Clerk of..... County, State of New York :

We certify that at a convention of delegates representing the..... party, held at ..... on the ... day of ....., 189.., a party which, at the last general election, polled at least one per cent of the entire vote cast in..... the following named persons were placed in nomination for offices to be filled at the next ensuing election in the ..... (county or section of county):

Title of office to be filled.	Name of the candidate.	Name of party.	Place of residence of candidate.*	Place of business.
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

We also certify that the following named persons..... were appointed by said convention a committee for the purposes specified in section sixty-six of the election law.

(Name).....

*Presiding officer of Convention.*

(Residence, city or town, street and number, if any.)

.....

*Secretary of Convention.*

(Residence, city or town, street and number, if any.)

STATE OF NEW YORK, }  
COUNTY OF..... } ss. :

A B and C D, being severally sworn, each for himself, says that the said A B was the presiding officer of the convention of delegates mentioned and described in the foregoing certificate, and that the said C D was the secretary of such convention, and that said certificate and the statements therein contained are true, to the best of his knowledge and belief.

A B.

C D.

Severally subscribed and sworn to before }  
me this..... day of... .., 189.. }

E F.

(Notary Public.)

\* If in a city, the street and number of his residence and place of business.



[For place and time of filing this certificate, see page 43.]

Form for  
town, etc.,  
nomin-  
ation.

**Certificate of Nomination for a Ward, Town or Village Office.**

To the (Town or City) Clerk of.....:

We certify that at a primary meeting of the voters of the..... party, held at ..... on the .... day of ....., 189.., a party which, at the last general election, polled at least one per cent of the entire vote cast in ..... the following named persons were placed in nomination for offices to be filled at the next ensuing election in the .....

(Village, ward or town.)

Title of office to be filled.	Name of the candidate.	Name of the party.	Place of residence of candidate.*	Place of business.*
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

We also certify that the following named person (or persons) ..... were appointed by said primary a committee for the purposes specified in section sixty-six of the election law.

.....  
Presiding Officer.  
(Residence and address.)

.....  
Secretary.  
(Residence and address.)

STATE OF NEW YORK, }  
COUNTY OF..... } ss.:

A B and C D, being severally sworn, each for himself, says that the said A B was the presiding officer of the primary meeting mentioned and described in the foregoing certificate, and that the said C D was the secretary of said primary meeting, and that said certificate and the statements therein contained are true, to the best of his knowledge and belief.

Severally subscribed and sworn to before }  
me, this... day of....., 189.. }  
E F,  
(Notary Public.)

\* If in a city, the street and number of his residence and place of business.

[For place and time of filing this certificate, see page 43.]

**Form for Party Certificate of Nomination by a duly authorized Committee of Convention or Primary.**

Form for nomination by committee.

To the .....

(Insert name of officer with whom certificate is to be filed.)

We certify that at a meeting of the duly authorized committee of the (state or district) convention (or primary) representing the ..... party, held at ..... on the ..... day of ....., 189., a party which, at the last general election, polled ten thousand votes in the state (or one per cent of the entire vote cast in the ..... district), said committee, acting under authority of the following resolution, passed ..... 189., at a convention of delegates :

(Here insert resolution passed by convention.)

placed in nomination for the offices to be filled at the next ensuing election the following named persons :

Title of office to be filled.	Name of the candidate.	Name of the party.	Place of residence.*	Place of business.*
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

(Signed)

.....  
 .....  
 .....  
 .....

*A majority of the members of the committee.*

The signers of the foregoing certificate are required to add to their signatures their respective places of residence.

STATE OF NEW YORK, } ss. :  
 COUNTY OF..... }

A B and C D, being severally sworn, each for himself, says that he is a member of the ..... committee representing the ..... party, and that he and the other signers to the foregoing certificate constitute a majority of such committee, and further that said certificate and the statements therein contained are true, to the best of his knowledge and belief.

Severally subscribed and sworn to before )  
 me, this.....day of ..... 189.. }

A B.  
 C D.

E F,

(Notary Public.)

\* If in a city, the street and number of his residence and place of business.

**Independent nominations of candidates.**

Nomina-  
tions of  
candidates.

§ 57. Nominations made as provided by this section shall be known as independent nominations, and the certificate whereby such nominations are made shall be known as an independent certificate of nomination. Three thousand or more voters of the state may nominate candidates for offices to be filled by voters of the entire state; five hundred or more voters of a county or city or of a portion of the state greater than a county, except an assembly district composed of more than one county, may nominate candidates for offices to be filled by the voters of such county, city or portion of the state; two hundred and fifty or more voters of an assembly or school commissioner district, may nominate candidates for offices to be filled by the voters of such district; twenty-five or more voters of a ward, town or village may nominate candidates for offices to be filled by the voters of such town, ward or village. If the nomination is for an office to be filled by the voters of the city and county of New York, the county of Kings, or the city of Brooklyn, not less than six hundred voters shall make such nomination. If the nomination is for an office to be filled wholly or in part by the voters of only a portion of either the city and county of New York, the county of Kings, or the city of Brooklyn, not less than two hundred and fifty voters shall make such nomination. The nominations shall be made by a certificate subscribed by such voters, each of whom shall add to his signature his place of residence, and make oath that he is such voter and has truly stated his residence. The making of the said oath shall be proved by the certificate of the notary or other officer before whom the said oath is taken, and it shall be unnecessary for a voter who has subscribed a certificate of nomination as herein provided, to sign any affidavit as to the matters to which he has made oath as aforesaid. The certificate shall contain the titles of the offices to be filled, the name and residence of each candidate nominated, and if in a city, the street number of such residence and of his place of business if any; and shall designate, in not more than five words, the political or other name which the signers shall

Certificate  
of nomina-  
tions.

select, but the name of any organized political party shall not be used without using in connection therewith some other word or words to distinguish such name from such party name. All independent certificates of nomination shall upon their face designate and select a device or emblem to represent and distinguish the candidate of the independent body making such nominations as provided by the fifty-sixth section of this act. The certificate may designate upon its face one or more persons as a committee to represent the signers thereof for the purposes specified by section sixty-six of this act. The signatures to the certificate of nomination need not all be appended to one paper. No person shall join in nominating more candidates for any one office than there are persons to be elected thereto, and no certificate shall contain the names of more candidates for any office than there are persons to be elected to such office. (*Thus amended by chap. 810, Laws 1895.*)

Selection of device.

Designation of committee to represent signers.

Proviso.

[For time and place of filing this certificate see page 43.]

**Form for Independent Certificate of Nomination.**

Form for independent nominations.

(Insert name of officer with whom certificate is to be filed )

To the .....

We, the undersigned, duly qualified voters of the State of New York, in accordance with the provisions of section 57 of the election law, hereby make the following nomination for offices to be filled at the next election in the .....

(State district or election division.)

Title of office to be filled.	Name of the candidate.	Political or other name which signers select.*	Residence of the candidate nominated.†	Place of business.†
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....
.....	.....	.....	.....	.....

We hereby select as an emblem or device to represent and distinguish the candidates hereby nominated by us a ..... which emblem or device is shown by the following representation. (Insert fac simile.)

\* Not more than five words to be used.

† If in a city, also the street and number of residence and place of business.

**PRIMARIES, CONVENTIONS AND NOMINATIONS.**

And we do designate and appoint.....

(Name, residence and place of business.)

to represent the signers of this certificate for the purposes set forth in section sixty-six of the election law.

Signatures.	Residences, town or city, street and street number, if any.
.....	.....
.....	.....
.....	.....

**NOTE.**—It is unnecessary for the signers to sign any affidavit. The making of the oath is to be proved by the officers before whom the oath is taken. The signatures need not all be appended to one paper.

**Certificate of Notary or other Officer before whom Oath is taken to be Annexed to the Certificate of Nomination.**

STATE OF NEW YORK, )  
COUNTY OF ..... } ss. :

I, ....., a notary public in and for the county of ..... do hereby certify that on the.....day of .....189., before me personally appeared....., the persons described in and who signed the foregoing certificate, and the said persons, having been severally by me duly sworn, each for himself, deposed and said that he is a voter in the ..... of ..... in said county, and that he has truly stated his residence in his statement and added the same to his said signature.

A B.

.....  
*Notary Public.*

**Places of filing certificates of nomination.**

Places of  
filing cer-  
tificates.

§ 58. Certificates of nomination of candidates for office to be filled by the voters of the entire state, or of any division or district greater than a county, shall be filed with the secretary of state, except that each certificate of nomination of a candidate for member of assembly for the assembly district composing the counties of Fulton and Hamilton, shall be filed in the office of the county clerk of Fulton county, and a copy thereof certified by the county clerk of Fulton county shall be filed in the office of the county clerk of Hamilton county, so long as the said counties constitute one assembly district.

Certificates of nomination of candidates for offices to be filled by only the voters or a portion of the voters of the city of New York or Brooklyn, shall be filed with the board of police commissioners of the city of New York or the board of elections of the city of Brooklyn, respectively. Certificates of nomination of candidates for offices of any other city, or for officers of a village or town, to be elected at a different time from a general election, shall be filed with the clerk of such city, village or town respectively. All other certificates of nomination shall be filed with the clerk of the county in which the candidates so nominated are to be voted for. All certificates and corrected certificates of nomination, all objections to such certificates and all declinations of nominations are hereby declared to be public records; and it shall be the duty of every officer or board to exhibit, without delay, every such paper or papers to any person who shall request to see the same. It shall also be the duty of each such officer or board to keep a book, which shall be constantly open to public inspection, in which shall be correctly recorded the names of all candidates nominated by certificates filed in the office of such officer or board, the title of the office for which any such nomination is made, the political or other name and emblem of the political party or other body making such nomination; and in which shall also be stated all declinations of nominations or objections to nominations and the time of filing of all of the said papers. (*Thus amended by chap. 810, Laws 1895.*)

Certificate,  
etc., pub-  
lic records.

Record of  
nominations.

### The times of filing certificates of nomination.

§ 59. The different certificates of nomination shall be filed within the following periods before the election for which the nominations are made, to wit: Those required to be filed with the secretary of state, if party nominations, at least thirty and not more than forty days; if independent nominations, at least twenty and not more than forty days; those required to be filed with a county clerk or the board of police commissioners of the city of New York, or the board of elections of the city of Brooklyn, if party nominations, at least twenty-five and

Times of  
filing cer-  
tificates.

not more than thirty-five days; if independent nominations, at least fifteen and not more than thirty days; those required to be filed with the city clerk of any other city, if party nominations, at least fifteen and not more than twenty days; if independent nominations, at least twelve and not more than twenty days; those required to be filed with a town or village clerk, if party nominations, at least twelve and not more than twenty days; if independent nominations, at least eight and not more than twenty days. (*Thus amended by chap. 810, Laws 1895.*)

### **Certifications of nominations by the secretary of state.**

Certificate  
by secre-  
tary of  
state.

§ 60. The secretary of state shall, immediately upon the expiration of the time within which certificates of nomination may be filed with him, certify to the county clerk of each county except New York, and to the board of police commissioners of the city of New York and to the board of elections of the city of Brooklyn, the name, residence and place of business, if any, of each candidate nominated in any certificate so filed for whom the voters of any such county or city, respectively, may vote, the title of the office for which he is nominated, the party or other political name specified in such certificate, and the emblem or device chosen to represent and distinguish the candidates of the political party or independent body making such nominations. (*Thus amended by chap. 810, Laws 1895.*)

### **Publication of nominations.**

Publication  
of list of  
nominations.

§ 61. At least six days before an election to fill any public office, the county clerk of each county, except New York, the board of police commissioners of the city of New York, and the board of elections of the city of Brooklyn, shall cause to be published in not less than two nor more than four newspapers within such county or city respectively, a list of all nominations of candidates for offices to be filled at such election, certified to such clerk or board by the secretary of state, or filed in the office of such clerk or board. Such publication shall

contain the name and residence, and if in a city, the street number of the residence, and place of business, if any, and the party or other designation of each candidate, and a fac simile of the emblems or devices selected and designated as prescribed by the fifty-sixth and fifty-seventh sections of this act, to represent and distinguish the candidates of the several political parties or other nominating bodies. The city clerk of each city, except New York and Brooklyn, shall at least six days before an election of city officers thereof, held at a different time from a general election, cause like publication to be made as to candidates for offices to be filled at such city election, in at least two newspapers published in such city. One of such publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding election for state officers cast the largest number of votes in the state for such officers; and another of such publications shall be made in a newspaper which advocates the principles of the political party that at the last preceding election for state officers cast the next largest number of votes in the state for such officers. The clerk or board, in selecting the papers for such publication, shall select those which, according to the best information he can obtain, have the largest circulation within such county or city. In making additional publications the clerk or board shall keep in view the object of giving information, so far as possible, to the voters of all political parties; and in no event shall additional publications be made in two newspapers representing the same political party. The clerk or board shall make such publication twice in each newspaper so selected in a county or city in which daily newspapers are published; but if there be no daily newspaper published within the county, one publication only shall be made in each of such newspapers. Should the county clerk find it impracticable to make the publication six days before election day, in counties where no daily newspaper is printed, he shall make the same at the earliest possible day thereafter, and before the election. (*Thus amended by chap. 810, Laws 1895*).

Selection  
of news-  
papers.

Time of  
publica-  
tion.



Form for  
list.

**List of Nominations to be Published by County Clerk.**

To the Voters of (..... county):

The following is a true and correct list of all nominations of candidates for offices to be filled at the ..... election to be held ....., 189..., certified to me pursuant to the provisions of chapter 680 of the Laws of 1892 and amendments thereto:

Name of candidates.	Residence.*	Place of business.*	Office to be filled.	Party or other designation of candidate.	Fac simile of emblem or device selected to represent and distinguish candidates.
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	(Here insert fac similes opposite candidates of each party.)
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

(Signed) .....  
Clerk of ..... County.

**Posting town and village nominations.**

§ 62. Each town and village clerk shall cause at least ten copies of a like list of all nominations to office filed with him to be conspicuously posted in ten public places in the town or village, at least one day before the town meeting or village election, one of which copies shall be so posted at each polling place of such town meeting or village election.

Form for  
list.

**Form for List of Nominations to be Posted by Town or Village Clerk.**

To the Voters of (town or village of .....):

The following is a true and correct list of all nominations of candidates for offices to be filled at the ..... election to be held ....., 189..., filed with me pursuant to the provisions of chapter 680 of 1892 and amendments thereto:

\* If in a city, the street number of residence and place of business.

Name of candidates.	Residence.	Office to be filled.	Party or other designation of candidates.	Fac simile of emblems or devices to represent and distinguish candidates.
.....	.....	.....	.....	(Here insert fac similes opposite candidates of each party.)
.....	.....	.....	.....	
.....	.....	.....	.....	

Clerk.

### Lists for town clerks and aldermen.

§ 63. The county clerk of each county, except New York, shall at least six days before election day, send to the town clerk of each town, and to an alderman of each ward in any city in the county, except Brooklyn, at least five and not more than ten printed lists for each election district in such town or ward, containing the name and residence, and if in a city, the street number of residence, and place of business, if any, and party or other designation, and also a fac simile of the emblem or device of each candidate nominated to be voted for by the voters of the respective towns and wards. Such lists shall, at least three days before the day of election, be conspicuously posted by such town clerk or alderman in one or more public places in each election district of each town or ward, one of which shall be at each polling place. (*Thus amended by chap. 810, Laws 1895.*)

Printed lists to be sent.

Posting thereof in election districts.

### Form of Printed Poster or List to be sent by County Clerk to each Town Clerk or Alderman in County or City.

Form of poster or list.

[Same to be posted by Town Clerk or Alderman in election districts.]

To the (Town Clerk or Alderman) of (Town of ..... or ..... Ward of .....):

Please take notice that the following named persons have been nominated as candidates for office, to be voted for at the election to be held in your (town or ward) on the ..... day of ....., 189... as follows:

Name of candi late.	Place of residence.*	Place of business.*	Office to be filled.	Party or other desig- nation of candidate.	Fac simile of emblems or devices to represent and distinguish candidates.
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

(Signed) .....  
Clerk of ..... County.

Declination of nomination.

Names not  
to be  
printed on  
ballots.

§ 64. The name of a person nominated for a town or village office, shall not be printed on the official ballot, if he shall before the ballots are printed give written notice that he declines such nomination to the town or village clerk, or if nominated by more than one party, or independent body, the name of a person so nominated shall not be printed in the party column of a party or independent body, whose nomination he shall in like manner decline. The name of a person nominated for any other office shall not be printed on the official ballot if he notifies the officer with whom the original certificate of his nomination is filed, in a writing signed by him and duly acknowledged, that he declines the nomination, or if nominated by more than one party, or independent body, the name of a person so nominated shall not be printed in the party column of a party or independent body, whose nomination he shall in like manner decline. If a party nomination, such notification shall be given at least fourteen days, and if an independent nomination at least twelve days before the election. The officer to whom such notification is given shall forthwith inform, by mail or otherwise, the committee, if any, appointed on the face of such certificate as permitted by sections fifty-six and fifty-seven of this act, and otherwise one or more persons whose names are attached to such certificate, that the nomination conferred by such certificate has been

Notices.

\* If in a city, the street number of residence and place of business.

declined, and such officer shall also give immediate notice by mail or otherwise that such nomination has been declined, to the several county clerks or other officers authorized by law to prepare official ballots for election districts affected by such declination. (*Thus amended by chap. 360, Laws 1895.*)

### Form for Declination of Nomination.

Form for  
declina-  
tion.

To the Secretary of State (or other officer):

SIR — Please take notice that I decline the nomination for the office of  
....., tendered to me by the (convention, primary or voters)  
of the ..... party, filed in your office.

Dated .....

Yours,

STATE OF NEW YORK, }  
COUNTY OF..... } ss.:

On this.....day of....., 189..., before me personally came  
....., to me known to be the person described in,  
and who executed the foregoing declination, and he acknowledged to me  
that he executed the same for the purposes therein mentioned.

.....,  
*Notary Public or Justice of the Peace.*

### Objections to nomination certificates and determinations thereof.

§ 65. A written objection to any certificate of nomination may be filed in the office in which the certificate is filed within three days after the filing of the certificate. If such objection be filed notice thereof shall be given forthwith by mail to the committee, if any, appointed on the face of such certificate for the purposes specified in section sixty-six of this act, and also to each candidate placed in nomination by such certificate. The questions raised by such written objection shall be heard and determined as prescribed in section fifty-six of this act. (*Thus amended by chap. 810, Laws 1895.*)

Objections  
to certifi-  
cates.

### Filling vacancies in nominations and correction of certificates.

§ 66. If a nomination is duly declined, or a candidate regularly nominated dies before election day, or is found to be disqualified to hold the office for which he is nominated or if any certificate of nomination is found to be defective but not wholly void, the committee appointed on the face of such certificate

Vacancies,  
how filled.

of nomination as permitted by sections fifty-six and fifty-seven of this act, may make a new nomination to fill the vacancy so created, or may supply said defect, as the case may be, by making and filing with the proper officer a certificate setting forth the cause of the vacancy or the nature of the defect, the name of the new candidate, the title of the office for which he is nominated, the name of the original candidate, the name of the political party or other nominating body which was inscribed on the original certificate and such further information as is required to be given by an original certificate of nomination; except that where a certificate is filed pursuant to this section to fill a vacancy it shall not be lawful to select a new emblem or device, but the emblem or device chosen to represent and distinguish the candidate nominated by the original certificate shall be used to represent and distinguish the candidate nominated as provided by this section. The certificate so made shall be subscribed and acknowledged by a majority of the members of the committee, and the members of the committee subscribing the same shall make oath before the officer or officers before whom they severally acknowledge the execution of the said certificate, that the matters therein stated are true to the best of their information and belief. The said certificate shall be filed in the office in which the original certificate was filed, at least six days before the election if filed in the office of a town or village clerk, and at least ten days before the election if filed elsewhere, and upon being so filed shall have the same force and effect as an original certificate of nomination. When such certificate is filed with the secretary of state he shall, in certifying the nomination to the various county clerks and other officers, insert the name of the person who has been nominated as prescribed by this section instead of that of the candidate nominated by the original certificate, or, if he has already sent forward his certificate, he shall forthwith certify to the proper clerks and other officers the name of the person nominated as prescribed by this section and such other facts as are required to be stated in a certificate filed pursuant to this section. (*Thus amended by chap. 810, Laws 1895.*)

Certificate  
to be made.

How exe-  
cuted and  
verified.

Filing.

Duty of  
secretary  
of state.

# **Form for Filling Vacancies in Nominations by duly Authorized Committees.**

*To the (insert officer with whom original certificate of nomination is filed):*

Whereas,

(Here set forth cause of vacancy or nature of defect of certificate of nomination.)

Now, therefore, I (or we) ....., the duly authorized committee for the purposes specified in section sixty-six of the election law, pursuant to the provisions of said section, do hereby certify that I (or we) have nominated the following named person (or persons) to fill the vacancy (or vacancies) caused by.....

Name of new candidate.	Place of residence.	Place of business.	Title of office for which nominated.	Name of original candidate.	Name of political party or other nominating body.
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....
.....	.....	.....	.....	.....	.....

(Signed)

.....  
.....

*A majority of the committee.*

(Signers should state residence, city or town, street and number, if any.)

## **Acknowledgment and Affidavit to be Annexed to Certificate.**

STATE OF NEW YORK }  
COUNTY OF..... } ss.:

On the day and date below mentioned..... before me personally appeared ..... to me known and known to me to be the persons described and who executed the foregoing certificate, and severally acknowledged the execution thereof for the purposes therein set forth, and each of said persons being by me severally duly sworn depose and say that the matters therein stated are true to the best of his knowledge and belief.

(Signed)

Acknowledged, subscribed and }  
sworn to before me this }  
..... day of ....., 189... }

*Notary Public.*

**Candidate's statement of election expenses.**

Statement  
to be filed  
within ten  
days after  
election.

"Every candidate who is voted for at any public election held within this state shall, within ten days after such election, file as hereinafter provided an itemized statement showing in detail all the moneys contributed or expended by him, directly or indirectly, by himself or through any other person, in aid of his election. Such statement shall give the names of the various persons who received such moneys, the specific nature of each item, and the purpose for which it was expended or contributed. There shall be attached to such statement an affidavit subscribed and sworn by such candidate, setting forth in substance that the statement thus made is in all respects true, and that the same is a full and detailed statement of all moneys so contributed or expended by him, directly or indirectly, by himself or through any other person, in aid of his election.

**Affidavit.**

Candidates for offices to be filled by the electors of the entire state, or any division or district thereof greater than a county, shall file their statements in the office of the secretary of state. The candidates for town, village and city offices, excepting in the city of New York, shall file their statements in the office of the town, village or city clerk respectively, and in the cities wherein there is no city clerk, with the clerk of the common council of the city wherein the election occurs. Candidates for all other offices, including all officers in the city and county of New York, shall file their statements in the office of the clerk of the county wherein the election occurs. Any candidate for office who refuses or neglects to file a statement as prescribed in this section shall be guilty of a misdemeanor, and shall also forfeit his office." (§ 41x, *Penal Code*.)

Places of  
filing state-  
ments.

Misde-  
meanor.

§

Candidates for offices to be filled by the electors of the entire state, or any division or district thereof greater than a county, shall file their statements in the office of the secretary of state. The candidates for town, village and city offices, excepting in the city of New York, shall file their statements in the office of the town, village or city clerk respectively, and in the cities wherein there is no city clerk, with the clerk of the common council of the city wherein the election occurs. Candidates for all other offices, including all officers in the city and county of New York, shall file their statements in the office of the clerk of the county wherein the election occurs. Any candidate for office who refuses or neglects to file a statement as prescribed in this section shall be guilty of a misdemeanor, and shall also forfeit his office." (§ 41x, *Penal Code*.)

**Form for candidate's statement of election expenses.**

Form for  
statements.

I, ..... a candidate voted for at the ..... election held in the state of New York (or county of ..... ) on the ..... day of ..... 1895, for the office of ..... in said state (or county), do hereby make and file the following itemized statement, showing in detail all the moneys contributed or expended by me directly or indirectly by myself or through any other person in aid of my election.

(Here insert items.)

STATE OF NEW YORK, }  
 COUNTY OF..... } ss.:  
 Town of..... }

....., being duly sworn, deposes and says that he was a candidate for the office of..... and voted for as such at the ..... election held in the said state of New York on the ..... of November, 189...; that the statement to which this affidavit is attached is in all respects true; and that the same is a full and detailed statement of all moneys so contributed or expended by him, directly or indirectly, by himself or through any other person in aid of his election.

Sworn to before me this ..... }  
 of..... 189... }

.....  
*Notary Public.*

### Soliciting candidates to purchase tickets, etc.

"Any person who solicits from a candidate for an elective office money or other property, or who seeks to induce such candidate who has been placed in nomination to purchase any ticket, card or other evidence of admission to any ball, picnic, fair or entertainment of any kind, is guilty of a misdemeanor; but this section shall not apply to a request for a contribution of money by an authorized representative of the political party, organization or association to which such candidate belongs." (§ 41z, *Penal Code*. Added by chap. 155, *Laws* 1895, to take effect Sept. 1, 1895.)



# REGISTRATION OF VOTERS.

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## Meetings of inspectors for registry.

**In cities  
and certain  
villages.**

“The inspectors of election for each election district in a city, and in villages having five thousand inhabitants or more, except New York and Brooklyn, shall hold four meetings for the registry of the voters thereof, at the place designated therefor, before each general election and before each annual election for city officers, on the fourth Friday, fourth Saturday, and the third Friday and third Saturday, before the election, to be known respectively as the first, second, third and fourth meetings for registry. The said inspectors of election shall also meet upon the second Saturday before each general election and before each election for city officers for the purpose of correcting the registry lists by adding to, or striking off the name of any person pursuant to an order of the court or a judge thereof as provided in section thirty-seven of the election law. It shall be the duty of each inspector of election to make a note in the registry list opposite the name of each person so registered or so stricken from the list by order of the court of the date of such order and the court which issued it. Each meeting shall begin at nine o'clock in the forenoon and continue until nine o'clock in the evening, with not more than two intermissions of one hour each. In all election districts other than in cities and villages having five thousand inhabitants or more, the inspectors of election for such election district shall hold two meetings for the registry

**Note of  
persons  
registered  
or stricken  
off by order  
of court.**

**Duration of  
meeting.**

**Meetings in  
towns.**

of voters thereof, as provided in subdivision three of section thirty-two of this act." (§ 31, *Election Law*. Thus amended by chap. 810, *Laws* 1895.)

**Meetings for registry on Saturday half-holidays.**

"No Saturday shall be deemed a holiday, nor shall any Saturday afternoon be deemed a half-holiday so as to affect any meeting or proceeding of the board of inspectors for registry." (§ 41, *Election Law*, chap. 680, *Laws* 1892.)

Saturday holidays not to affect meetings.

**Misconduct of registry officers.**

"Any member or clerk of a registry board who willfully violates any provision of the election law relative to registration of electors or willfully neglects or refuses to perform any duty imposed on him by law, or is guilty of any fraud in the execution of the duties of his office, shall be punishable by imprisonment for not less than two nor more than ten years." (§ 41c, *Penal Code*, chap. 693, *Laws* 1892, as amended by chap. 692, *Laws* 1893.)

Penalty for misconduct of officers.

**Clerks in cities.**

"Any board of inspectors in a city, except New York and Brooklyn, may appoint one clerk to assist in the performance of the clerical duties of such board in registering, for not more than four days. Such clerk shall take the constitutional oath of office before he enters upon the performance of his duties." (§ 39, *Election Law*, chap. 680, *Laws* 1892.)

Appointment.

Oath.

**Clerks outside of cities.**

"Registry boards outside of cities have no authority to employ clerks." (*Opinion Attorney-General*.)

Employment unauthorized.

**Delivery of previous registers to inspectors.**

Each clerk with whom the registers of the last preceding general election in any election district elsewhere than in a city or within districts wholly within a village having five thousand inhabitants or more shall have been filed, shall cause one of such registers to be delivered to the board of inspectors of such district at the opening of its first meeting for registry

Delivery of registers to town inspectors.

For special elections in cities and certain villages.

Copies for new districts and towns.

Duty of board of new district.

Copies for new districts in cities.

Duty of board of new district.

for any election; and any such clerk within a city, except New York and Brooklyn, and within a village having five thousand inhabitants or more, the election districts of which are wholly within such village, shall cause the register of voters on file in his office to be delivered to the board of inspectors of each election district in such city or village at the opening of the first meeting for registry for a special election. If a new election district shall have been formed in a town since such general election, the clerk of such town shall, before the first meeting for registry thereafter in such new election district, make a certified copy of each register, for such general election of each election district out of which such new district shall have been formed, and shall cause such certified copies to be delivered to the board of inspectors of such new election district at the opening of such meeting for registry. Such board at such meeting shall place upon the list of voters all persons whose names are upon such copies who are qualified to vote in such election districts at the election for which such meeting is held, except the names of persons who are required to personally register. If a new election district shall have been formed in a city, except New York and Brooklyn, since such general election, the clerk with whom the register of voters for such previous general election shall have been filed, shall, before the first meeting of the inspectors of election of such new district for registry for a special election, make a certified copy of each registry of voters for such previous general election of each election district out of which such new election district is formed, and the inspectors of such new election district shall at such first meeting for registry for such special election place upon the list of voters the names of all persons upon such copies who are qualified to vote in such election district at the special election for which such meeting is held. (§ 34, *Election Law*. *Thus amended by chap. 810, Laws 1895.*)

### The register of voters.

List of voters

Subdivision 1. The inspectors of each election district shall prepare at such meetings a list of the names and residences of

persons qualified to vote in such district at such election, which, when finally completed, shall be the register of the voters of the district for such election. Such lists shall be arranged in five columns. In the first column there shall be entered at the time of the completion of the registry a number opposite the name of each person so registered, commencing with "one" and continuing in consecutive order. In the second column shall be placed the surnames of such persons in the alphabetical order of the first letter thereof; in the third column the Christian names of such persons respectively; in the fourth column the residences of such persons respectively, by street and number, if any, and otherwise a brief description of the locality thereof; the fifth column is to be left for entering the consecutive number on the official ballot delivered to the voter on election day. At each meeting, except the last, a space shall be left after each set of surnames commencing with the same letter, sufficient for the addition thereto at subsequent meetings, of surnames commencing with the same letter. Before any such surnames added at any such subsequent meeting there shall be written "added at second meeting" or "added at third meeting," or "added at fourth meeting," as the case may be. In cities and in villages having five thousand inhabitants or more, the names of such persons only as personally appear before the inspectors and are qualified voters shall be placed on such lists at a meeting for registry for a general election, or an annual city election of city officers, except as hereinafter provided for election districts in villages having five thousand inhabitants or more. At the first meeting of the inspectors in a city or village having five thousand inhabitants or more for registry for a special election, the inspectors shall place upon such lists the names of all persons qualified to vote at such election in such district which appear upon the register of voters for the last preceding general election in such election district, except the names of such voters as are proven to the satisfaction of the inspectors to have ceased to be voters of such district since their names were placed on such register; and shall at the other meetings for registry for such special election, place upon such lists the names of all

Form of  
list.

Arrange-  
ment for  
additional  
names.

Personal  
appear-  
ances in  
cities and  
certain  
villages.

Registry  
for special  
elections in  
cities, etc.

Registry in  
portion of  
districts  
outside of  
villages.

Who enti-  
tled to  
register.

Statement  
to be filed  
by certain  
voters.

Substance  
on registry  
list.

Illiterate  
and dis-  
abled  
voter.

persons so qualified, who shall personally appear before the board at either of such meetings; but no new names, not on such register, shall be placed on such lists, except of persons who so personally appear, except as hereinafter provided. Whenever an election district in a village having five thousand inhabitants or more shall embrace within its boundaries territory without the limits of such village, the inspectors shall, at their first meeting for a general election, place upon such registry lists the names of all persons appearing on the register of the next preceding general election who resided without the limits of such village, but within the election district, except the names of such voters as are proven to the satisfaction of such inspectors to have ceased to be voters since such general election, or have removed within the limits of such village. And they shall also place upon such register at their first and subsequent meetings the names of all other persons known or proven to their satisfaction to be, or who will be entitled to vote at the election, who reside within such election district, but without the limits of such city or village. A person is a qualified voter in any election district for the purpose of having his name placed on such lists, if he is at the time qualified to vote at the election for which such registry is made, or may become so qualified on or before the day upon which such election is to be held. Any person claiming to be a person mentioned and referred to in section three of article two of the constitution shall file with the inspectors at the time of registering a written statement showing where he is actually domiciled, his business or occupation, his business address, and to which class of persons mentioned in said section he claims to belong; such statement shall be filed with the registry list in the town or city clerk's office after the completion of the canvass on election day and be open for public inspection, and the substance thereof shall be entered in the registry list opposite the name of the person so registering.

Subdivision 2. If, at any meeting for the registry of voters, any person entitled to have his name placed on the list of voters and of whom personal registry is required shall declare to the officers conducting such registry that, he is unable to write by

reason of illiteracy or that he will be unable to prepare his ballot without assistance by reason of total blindness, loss of both hands, or such total inability of both hands that he cannot use either hand for ordinary purposes, or that he will be unable to enter the voting booth without assistance by reason of disease, the nature of which he must specify, or by reason of a crippled condition, the nature of which he must specify, it shall be the duty of the said officers to administer an oath to such person in the following language, namely: "You do solemnly swear (or affirm) that you are unable to write by reason of illiteracy," or "you do solemnly swear (or affirm) that you will be unable to prepare your ballot without assistance, because," and after the word "because," they shall insert the specific cause or reason assigned by such person for disability, or "you do solemnly swear (or affirm) that you will be unable to enter the voting booth without assistance because," and after the word "because," they shall insert the specific disease, or crippled condition, and the said officers shall make a note upon the registry list of each instance in which such oath is administered and of the cause or reason so assigned by the person taking the same for such disability so sworn to.

Oaths to be administered to such persons.

Note upon registry list.

Subdivision 3. In all election districts, other than in cities and villages having five thousand inhabitants or more, the inspectors of election for each such election district shall hold two meetings for the registry of the voters thereof, at the places designated therefor, before each general election, viz., on the fourth and third Saturdays before the election to be known respectively, as the first and second meetings for registry. Each meeting shall begin at nine o'clock in the forenoon and continue until nine o'clock in the evening, with not more than two intermissions of one hour each. They shall at such first meeting place upon the register the names of all persons who voted at the last preceding general election as shown by the registry list of such election, except the names of such voters as are proven to the satisfaction of such inspectors to have ceased to be voters in such district since such general election; and also at said first meeting, and at the second meeting they shall place on the register the names

Town registration.

Meetings.

Registration, how made.

Special  
election in  
town dis-  
tricts.

Town or  
village  
elections.

of all persons known, or proven to the satisfaction of the inspectors to be, or who will be entitled to vote at the election for which such registration is made. At special elections in districts mentioned in this subdivision there shall be but one meeting for registry which shall be ten days before the day designated for such special election, and the register of voters for the last preceding general election, to which shall be added at such meeting, the names of such voters as are known or proven to the satisfaction of the inspectors to be, or who will be, entitled to vote at such special election, shall be the register of voters for such special election. No registration of voters shall be required for town or village elections. (§ 32, *Election Law. Thus amended by chap. 810, Laws 1895.*)

### Qualifications of voters for registration.

Citizen-  
ship.

A qualified voter for registration must be :

1. A male citizen of the age of not less than twenty-one years.

2. A citizen for *ninety days* previous to the election.

Residence.

3. He must have been an inhabitant of the *state* for *one year* next preceding the election.

4. A resident of the *county* for the last *four months*.

5. A resident of the *election district* in which he may offer his vote, and not elsewhere, for *thirty days* next preceding the election.

Bribery

6. No person shall vote at such election who shall receive, expect, or offer to receive, or pay or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote.

7. No person shall vote at any such election who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election. Bets or wagers.

8. No person shall, for the purpose of voting, gain or lose a residence by reason of his presence or absence while employed in the service of the United States; while engaged in navigating the waters of this state or the United States, or of the high seas; nor while a student in any seminary learning; nor while kept at any alms-house or other asylum, or institution wholly or partly supported at public expense or by charity; nor while confined in any public prison. Gain or loss of residence.

9. No person shall be permitted to vote at any election who, previous thereto, shall have been convicted of *bribery* or any *infamous crime*, unless he shall have been pardoned and restored to all the rights of a citizen. Conviction of crime.

### Right to register.

“A person who will be entitled to vote at an election is entitled to be registered therefor.” (*Opinion Attorney-General.*) Right to register.

### Registry as condition of voting.

“At the opening of the polls in each election district for every general election, special election, or election of city officers, the board of inspectors of election thereof, shall there and then have the original register of voters of such districts for such election, and the three certified copies thereof retained by the members of the board of inspectors, and no person shall vote at such election in such district, unless his name is on such register. The right of any person to vote whose name is on such register, shall be subject to challenge, the same as though he was not required to be registered.” (§ 38, *Election Law*, chap. 680, *Laws* 1892. *Thus amended by chap. 810, Laws* 1895.) Inspectors to have registers at polls. Challenge of right to vote.



**Presenting fraudulent certificates to registry boards to procure registration.**

Penalty for presenting fraudulent certificates.

“A person who knowingly and willfully presents to any board of officers, for the purpose of having himself or any other person placed upon any list or registry of voters, or to any board of officers for the purpose of enabling himself or any other person to vote at any election, any certificate of naturalization which has been allowed or issued by or procured from any judicial officer, clerk of a court, or other ministerial officer of a court, by any false statement, oath or representation, or in violation of the laws of the United States or of this state, with intent to enable any person to vote at any election, when such person is not entitled by the laws of the United States to become a citizen, or of this state, to exercise the elective franchise, is guilty of a felony.” (§ 41y, *Penal Code*, chap. 693, *Laws* 1892.)

**False registration.**

Penalty for false registration.

“Any person who causes his name to be placed upon any list or register of voters in more than one election district for the same election, or upon a list or register of voters, knowing that he will not be a qualified voter in the district at the election for which such list or registry is made, or aids or abets any such act, is punishable by imprisonment for not more than five years.” (§ 41a, *Penal Code*, chap. 693, *Laws* 1892.)

**Delivery of blank registry books to election officers.**

Secretary of state to prepare blanks.

“The secretary of state shall cause to be prepared a sufficient number of suitable blank books for lists and registers of voters, with blank certificates and brief instructions for registry therein, for use by the inspectors in preparing lists

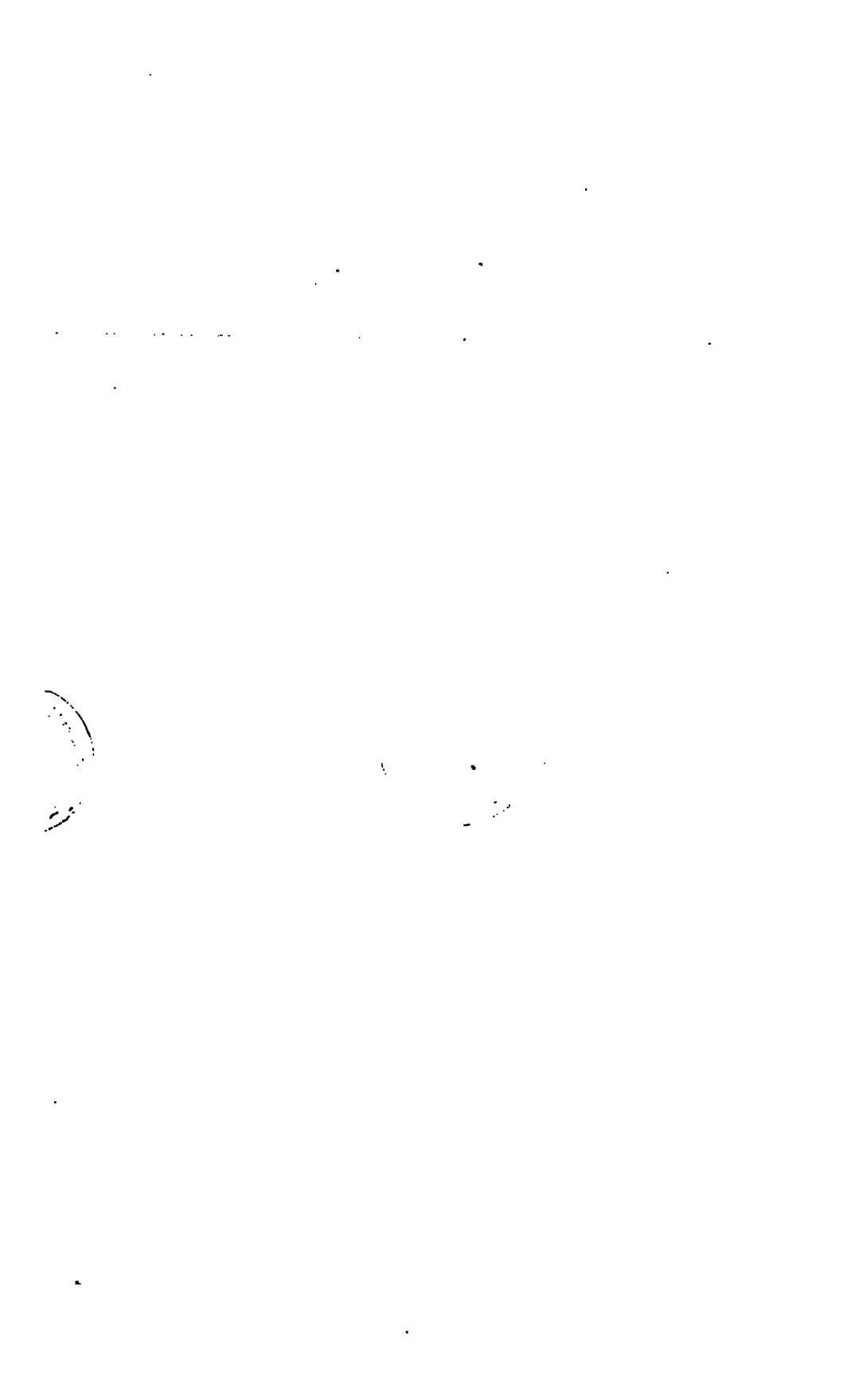
and registers of voters in pursuance of this article, and shall transmit to the county clerk of each county a sufficient number of such blank books, certificates and instructions, to furnish five to each board of inspectors in such county, except in the cities of New York and Brooklyn, and each county clerk shall cause the same to be distributed accordingly, within ten days after the receipt thereof." (§ 40, *Election Law, chap. 680, Laws 1892. Thus amended by chap. 810, Laws 1895.*)

County  
clerk to  
distribute  
same.

## Form of register of voters.

Registration number.	NAMES OF ELECTORS.		RESIDENCE.*	REMARKS.	Consecutive number on stub.†
	Surname.	Christian name.			
1.....	Andrews.....	John W...	8 Pine avenue .....	To be challenged. ....	.....
2.....	Anthony. ....	William ...	126 Swan street.....	Added by order of Supreme Court, dated Nov. —, 189—.....	.....
Added at second meeting.					
3.....	Adams.....	Richard S..	6 Lark street .....	Made oath of illiteracy ‡.....	.....
4.....	Abbot. ....	Samuel H.	9 John street .....	Student, temporary residence, Schenectady .....	.....
Added at third meeting.					
5.....	Abel.....	Henry.....	4 Dove street.....	Made oath of physical disability, because blind ‡.....	.....
6.....	Allen .....	John S....	5 Pine street.....	Stricken off by order of Supreme Court, .....	.....

Y COLUMNS.



**Instructions for preparation of list.**

The names of voters should be entered on the registry list **Names, how entered.**  
 alphabetically, the surname entered first with the christian  
 name and other name following.

The following memoranda is to be placed on the register of **Memo-  
 randa on  
 register.**  
 voters:

1. The words "to be challenged" shall be placed opposite  
 the names of persons registered if any elector of the district  
 shall make oath that he has reason to believe that any per-  
 son already registered will not be a qualified voter at the next  
 election.

2. The substance of statement filed with inspectors by per-  
 sons claiming to be persons mentioned and referred to in sec-  
 tion three of article two of the constitution shall be entered in the  
 registry list opposite the name of the person so registering.

3. The inspectors are required to make a note upon the  
 registry list at meetings where personal registration is required  
 of each instance in which an oath of illiteracy or physical disa-  
 bility is administered.

4. Inspectors are to make a note upon the registry list,  
 opposite the names of persons registered or stricken off there-  
 from by order of court, of the date of such order and the court  
 issuing it.

The list should be so arranged at the first meeting that  
 there shall be sufficient space after each letter for all persons  
 whose names may be added at subsequent meetings, whose **Arrange-  
 ment for  
 names,  
 after first  
 meeting.**  
 surname shall begin with the same letter, but before adding  
 any names after the first meeting, there shall be inserted in  
 the list at the end of the names set forth under each letter, at  
 the next previous meeting, the following: "Added at second  
 meeting," or "Added at third meeting," as the case may be.  
 At the close of each meeting the board should fill out and **Certifi-  
 cates.**

sign one of the certificates on the last page of the book.  
 Custody of list. The original list should remain in the custody of the chairman of the board of inspectors until the close of the polls on election day.

Copies and certificates. At each meeting of the board, or during the next following secular day, the board shall make four certified copies of such list and certificate, one of which shall forthwith be conspicuously posted in the place where such meeting shall have been held, and one shall be retained by each of the three other members of the board, until the close of the polls of such next election.

Posting and custody of same.

Register at polls. The inspectors of election at the opening of the polls of every election, shall have in their possession the original registry of voters of their district for such election.

### Registry of challenges.

Entry for challenge at election. "If, at a meeting of a board of inspectors for registry, any elector of the district shall, upon oath, declare that he has reason to believe that any person on such list of voters will not be qualified to vote at such election, the board of inspectors shall place the words "to be challenged," opposite the name of such person, and when such person shall offer his vote at such election, the general oath as to qualifications shall be administered to him, and if he shall refuse to take such oath, he shall not be permitted to vote. (§ 36, *Election Law*, chap. 680, *Laws* 1892.)

Oath at election.

**Mutilation, destruction or loss of registry list.**

"Any persons who willfully loses, destroys or mutilates the list or register of voters in any election district, or a certified copy thereof, after the making of the same and before the closing of the polls of the election for which the same is made, is guilty of a misdemeanor." (§ 41b, *Penal Code, chap. 693, Laws 1892.*)

Penalty for  
mutilation,  
etc., of  
lists.

**Addition and cancellation of names on registry lists.**

"If the board of inspectors shall, at any meeting, neglect or refuse to place upon such list a name of any person who is entitled to have his name placed thereon, application may be made to any justice of the supreme court of the judicial district in which such election district is, or to any justice of the supreme court residing in a county adjoining such judicial district, or to a county judge of the county, or to any judge of a court of record of the city in which said election district is; and such justice or judge may, upon sufficient evidence, and upon such notice, of not less than twenty-four hours to the board of inspectors, and such other persons interested, of such application, as the justice or judge may require, order such name added to such list or registry of voters and such list shall be corrected accordingly. In case the name of any person not qualified to vote in such election district, or who can not be so qualified at the time of such election, shall appear upon such lists application may be made by any elector of the said district, to any justice or judge hereinbefore specified, for an order striking such name from the list, and such justice or judge may, upon sufficient evidence, and upon such notice of not less than twenty-four hours to the person interested, of such application, as the justice or judge may require, and served either personally or by depositing the same in the post-office addressed to said person by his name, and at the address, which appears in the registry lists certified by the inspectors of election, order such name to be stricken from such list or registry of voters, and such list shall be corrected accordingly, and for the purpose of carrying into effect any such order the inspectors must, if required thereby, convene at once upon

Addition of  
names to  
list.

Cancellation  
of  
names on  
list.



the service upon of\* them of such order, and carry out the directions therein contained." (§ 37, *Election Law, chap. 680, Laws 1892. Thus amended by chap. 275, Laws 1894.*)

### Certificates of lists; copies; custody thereof.

Certificates  
to city  
registers.

"At the close of each meeting for the registry of voters in a city, except New York and Brooklyn, for a general election or for an annual city election for city officers, the inspectors shall append to the lists of voters their certificate to the effect that such list, as it then is, is a true and correct list of the names and residences of all persons qualified to vote at such election in such district, who have personally appeared before the board and have requested to have their names placed thereon, and such lists so certified shall be presumptive evidence that the name and place of residence contained in said list was the name and place of residence given by the person registering. At the close of each meeting for the registry of voters elsewhere than in a city for a general election, or in a city for a special election, the inspectors shall append to such list, as it then is, a certificate to the effect that such list, as it then is, is a true and correct list of all persons qualified to vote at the next election in such district whose names the board is required by law to place thereon.

Custody of  
lists.

Copies to  
be posted  
and re-  
tained.

Examina-  
tion of lists by  
public.

Each list so certified shall remain in the custody of the chairman of the inspectors, until the close of the polls on election day. At each meeting of the inspectors for registry, or during the next following secular day, the inspectors shall make four certified copies of such list and certificate, one of which shall forthwith be conspicuously posted in the place where such meeting shall have been held, and one shall be retained by each of the other three inspectors until the close of the polls of such election. Such list and registry of voters and the certified copies thereof, shall at all reasonable hours be accessible to the public for examination, or for making copies thereof." (§ 33, *Election Law, 1892. Thus amended by chap. 275, Laws 1894.*)

### Right to examine lists and make copies.

Right to  
examine  
lists.

Reasonable  
hours  
therefor.

"Under the provisions of the statute, the names of all persons who have been registered, may be easily and readily ascertained by an examination of the lists posted by the inspectors, or any person would have the right, at all reasonable hours, to examine and make copies of the registry list. It will be, however, for the inspectors of election to determine what are reasonable hours for making such copies, and they may exclude any person from examining the registry list or

\* So in the original.

making copies thereof, at any time when the inspectors are satisfied that an examination at such time would seriously interfere with them in the discharge of their duties." (*Opinion Attorney-General.*)

**Form of registry board certificates for districts in cities.**

**FIRST DAY'S REGISTRY CERTIFICATE.**

Form of  
certificates  
in cities.

*This is to certify, That the foregoing list of names as it*

(Write in the number.)

now is, comprising..... names, is a true and correct list of the names and residences of all persons qualified to vote at the next election in this election district, who have personally appeared before this board and requested to have their names placed on said list.

.....  
.....  
.....  
.....  
.....  
..... } *Registry  
Board.*

..... *District.*..... *Ward, City of.*.....

**SECOND DAY'S REGISTRY CERTIFICATE.**

*This is to certify, That the foregoing list of names as it*

(Write in the number.)\*

now is, comprising..... names, is a true and correct list of the names and residences of all persons qualified to vote at the next election in this election district, who have personally appeared before this board and requested to have their names placed on said list.

.....  
.....  
.....  
.....  
.....  
..... } *Registry  
Board.*

..... *District.*..... *Ward, City of.*.....

**Form of registry board certificates for districts outside of cities.**

**FIRST DAY'S REGISTRY CERTIFICATE.**

Form of  
certificate  
in towns.

*This is to certify, That the foregoing list of voters as it now*

(Write in the number.)

is, comprising..... names, is a true and correct list

\* This number should include all names registered the first and second days.

(Similar certificates should be made for third and fourth day's registry.)

REGISTRATION OF VOTERS.

of all persons qualified to vote at the next election in this election district, whose names this board is required by law to place on said list.

Dated *October*...., 1892.

..... } *Registry*  
..... } *Board.*  
..... }

.....*District, Town of*.....  
*County of*.....

SECOND DAY'S REGISTRY CERTIFICATE.

*This is to certify*, That the foregoing list of voters as it now  
(Write in the number.)<sup>\*</sup>

is, comprising..... names, is a true and correct list of all persons qualified to vote at the next election in this election district, whose names this board is required by law to place on said list.

Dated *October*...., 1892.

..... } *Registry*  
..... } *Board.*  
..... }

.....*District, Town of*.....  
*County of*.....

Challenges to applicants for registry.

Challenge  
of appli-  
cants.

Oath to be  
adminis-  
tered.

Examina-  
tion of  
applicant.

“Any person who appears personally at any meeting of the board of inspectors for registry for any election and applies to have his name placed on the list of voters, may be challenged by any qualified elector of such district. If such applicant be so challenged, or if any member of the board shall have reason to suspect that such applicant is not entitled to registry, the board shall administer to such applicant the oath which is required by law to be administered to a challenged person offering to vote at a general election, and may thereupon examine him as to his qualifications as an elector, and may require him to state, under oath, his age, residence by street and number, if it have a street number, and otherwise to describe the locality thereof, and if he is not a householder, to state the name of the householder with whom he resides, and in like manner to describe the residence of

<sup>\*</sup> This number should include all names registered the first and second days.

such householder. If the applicant shall make such statement, and shall make oath to the circumstances which qualify him to vote at such election in such district, his name shall be added to such list of voters. If he shall refuse to make either such oath or statement, his name shall not be placed on such list." (§ 35, *Election Law, chap. 680, Laws 1892.*)

Name to be added upon statement and oath.

### Form of preliminary oath on challenge for registry.

"You do swear [or affirm] that you will fully and truly answer all such questions as shall be put to you, touching your place of residence and qualifications as an elector."

Form of preliminary oath.

### Questions under preliminary oath.

1. What is your name?
2. What is your age?
3. Where do you now reside? State as precisely as you are able your residence, by street and number, if it have a street number, and otherwise describe the locality thereof.

Questions under preliminary oath.

(If not a householder), state the name of the householder with whom you reside, and in like manner describe the residence of such householder.

4. How long have you resided in this election district?
5. What was your last place of residence before you came into this election district?
6. How long have you resided in this county?
7. How long have you resided in this state?
8. Are you a native or naturalized citizen?

*If a naturalized citizen the following questions should be asked:*

9. *When were you naturalized?*
10. *Where, and in what court, or before what officer?*
11. How long have you resided in the United States?
12. Did you come into this election district for the purpose of voting at the next ensuing election?
13. How long do you contemplate residing in this election district?
14. Have you made any bet or wager, or are you directly or indirectly interested in any bet or wager depending on the result of the next ensuing election?

15. Have you received, or offered to receive, or do you expect to receive, any money or other valuable thing as a compensation or reward for giving your vote at the next ensuing election?

16. Have you paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing, or made any promise to influence the giving or withholding of any vote at the next ensuing election?

17. Have you been convicted of bribery or any infamous crime, or if so convicted, have you been pardoned and restored to all the rights of a citizen?

In addition to all may be asked other questions which may tend to test the qualifications of the applicant for registry as a resident of the election district, citizenship and right to vote at such election at such polling place.

Entry of  
names upon  
register.

*After receiving answers*, in full to these and such other questions as may be put, the board shall, if satisfied, enter name of applicant upon register, or if not, are to point out to the challenged person the qualification or qualifications (if any) in respect to which he shall appear to them to be deficient. If he persists in his claim to be registered and the challenge be not withdrawn, one of the board may then administer to him the following:

### Form of general oath.

Form of  
general  
oath.

"You do swear (or affirm) that you are twenty-one years of age, that you have been a citizen of the United States for ten\* days, and an inhabitant of this state for one year next preceding this election, and for the last four months a resident of this county, and for thirty days a resident of this election district:

Additional  
oath for  
bribery,  
etc.

*If the person so offering to vote shall be challenged for causes stated in section two of article two of the constitution of this state the following additional oath shall be administered by one of the inspectors:* "You do swear (or affirm) that you have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any

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\* Changed to ninety days by section 1, article 2 of the constitution.

money or other valuable thing as a compensation or reward for the giving or withholding a vote at this election, and have not made any promise to influence the giving or withholding of any such vote; and that you have not made, or become directly or indirectly interested in any bet or wager depending upon the result of this election."

*If the person so offering shall be challenged on the ground of having been convicted of bribery or any infamous crime, the following additional oath shall be administered to him by one of the inspectors: "You do swear (or affirm) that you have not been convicted of bribery or any infamous crime, or if so convicted, that you have been pardoned and restored to all the rights of a citizen."*

Additional  
oath as to  
conviction  
of crime.

If any person shall refuse to take either oath so tendered, his vote shall be rejected.

Rejection  
of vote.

# Ballots and Instruction Cards and Distribution Thereof.

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## **Elections for which official ballots shall be provided.**

Official  
ballots.

“Official ballots shall be provided at public expense at each polling place for every election at which public officers are to be elected directly by the people, except an election of school district officers or school officers of a city or village at which no other public officer is to be elected.” (§ 80, *Election Law*, chap. 680, *Laws* 1892.)

## **Form of official ballots for candidates for office.**

Party  
device.

General  
form and  
arrange-  
ment.

Columns.

Party  
names.

Every ballot intended for the use of electors, printed in accordance with the provisions of this act shall contain a party device for each party represented on the ticket, in accordance with the provisions of section fifty-six of this act. There shall be provided at each polling place at each election but one form of ballot for all the candidates for public office and every ballot shall contain the names of all the candidates whose nomination for any office specified in the ballot have been duly made, and not withdrawn in accordance herewith, together with the title of the office, arranged in tickets or lists under the respective party or political or other designation certified. In elections for presidential electors the names of the candidates for president and vice-president shall be placed on the ticket immediately following the name of the party and preceding the names of the presidential electors. The arrangement of the ballot shall in general, conform as nearly as practicable to the plan hereinafter given. The tickets or lists of candidates of the various parties shall be printed in parallel columns headed by the chosen devices, and the party name or other designation in such order as the secretary of state may direct, precedence, however, being given to the party which polled the highest number of votes for the head of the ticket in the next preceding general election, and so on. The

number of such columns shall exceed by one the number of sets of candidates to be voted for at the polling place for which the ballot is provided, nominated by different certificates of nomination, except as otherwise provided in this section. In the column on the right-hand side of each ballot shall be printed the titles of all of the officers for which the electors at the polling place for which the ballot is provided may lawfully vote and underneath the title of each office shall be left a blank space in which the voter may write the name of any candidate or candidates therefor whose names are not printed upon the ballot as candidates for that office, and in the space above the titles of the offices shall be printed in brevier capital letters, "The voter may write in the column below, under the title of the office, the name of any person whose name is not printed on the ballot, for whom he desires to vote." No ticket or list of candidates shall be printed under the name of any party containing more candidates for any office than are to be elected. The ballot shall be so printed as to give each elector a clear opportunity to designate by a cross (X) mark in a large blank circular space three-quarters of an inch in diameter below the device, and above the name of the party at the head of the ticket or list of candidates, his choice of a party ticket and desire to vote for each and every candidate thereon, except as in the cases hereafter provided for in this section; and by a cross (X) mark in a blank inclosed space on the left of and before the name of each candidate, his choice of particular candidates. The ballot shall be printed on the same leaf with a stub and separated therefrom by a perforated line. The part above the perforated line, designated as the stub, shall extend the entire width of the ballot, and shall be two inches from the perforated line to the top thereof. Upon the face of such stub shall be printed in brevier capital letters "To vote a straight ticket make a cross (X) mark within the circle above one of the party columns. To vote for an individual candidate make a cross (X) mark in the space before his name. To vote for a person not on the ticket, write the name of such person under the title of the office in the column on the right, and make a cross (X) mark

Number of columns.

Titles of office with blank space to be filled by voters.

Blank circular space below device.

Words to be printed on stub.



in the space before the name. Any mark or erasure made on this ballot, except as above indicated, makes this ballot void and it can not be counted. Use only a pencil having black lead." On the back of the stub and at the left of the center thereof shall be printed the words "consecutive number." (Below the words, the consecutive number of the ballot shall be printed, beginning with "1" and increasing in regular numerical order.) On the back of the ballot below the stub, and immediately at the left of the center of the ballot shall be printed in great primer Roman condensed capitals the words "official ballot for," and after the word "for" shall follow the designation of the polling place for which the ballot is prepared, the date of the election, and a fac simile of the signature of the officer who has caused the ballots to be printed, except that ballots containing the names of candidates for commissioners of excise for towns shall be indorsed, "Excise," only, and other ballots for town meetings, not held at the same time with a general election shall be indorsed "Town" only.

**Indorsement on ballot.** All ballots shall be printed on the best quality number two book paper, in black ink, and with the exception of the heading, which shall be in display, in brevier type; the name or designation of the office in brevier lower case, and the name of the candidate therefor in brevier capital letters, with a space of at least one-fifth of an inch following each name, except that in the case of presidential electors one-eighth shall be sufficient. The name of each candidate shall be printed in a space defined by ruled lines, and with a blank oblong space on its left inclosed by heavy dark lines. The heading of each party ticket, including the name of the party, the device above and the large circle between the device and such name, shall be separated from the rest of the ticket by a heavy line, and the circle above the name of the party, in which the voter is to place the cross mark if he desires to vote the straight ticket, shall be defined by heavier lines than the lines defining the blank spaces before the names of candidates, and such circle shall be surrounded by the following printed in heavy-faced nonpareil type: "For a straight ticket mark within this circle;" provided, however, that in the case of nominations pro-

**Paper, ink and kind of type.**

**Space following names.**

**Names of candidates.**

**Heading of ticket to be separated.**

**Circle above party name.**

**Independent tickets.**

vided for in section fifty-seven of this act designated as "independent nominations," the ballot shall be so arranged that at the right of the last column for nominations designated in section fifty-six as "party nominations," the several tickets of the names of the candidates independently nominated may be printed in one or more columns, according to the space required, having above each of the tickets the political or other name selected to designate such independent nominations and the device or emblem to represent and distinguish the candidates of the several independent bodies making such nominations; but in such columns for independent nominations the circle heretofore provided for in this section shall be omitted, and at the top of the column and above the first emblem in each of such columns for "independent nominations" shall be printed in brier capital letters the words "independent nominations." Each party ticket shall be separated from other party tickets and bordered on either side by a heavy border or a broad solid line at least one-eighth of an inch wide and the edge of the ballot on either side trimmed off up to the border or solid line described. All of the official ballots of the same sort prepared by any officer or board for the same polling place shall be of precisely the same size, arrangement, quality and tint of paper and kind of type, and shall be printed with black ink of the same tint, so that when the stub numbered as aforesaid shall be detached therefrom it shall be impossible to distinguish any one of the ballots from the other ballots of the same sort, and the names of all candidates for the same office shall be printed in type of the same size and character. If two or more officers are to be elected to the same office for different terms, the term for which each is nominated shall be printed upon the ballot as a part of the title of the office. If at a general election in any congressional district one representative in congress is to be elected for a full term and another to fill a vacancy the ballots containing the names of the candidates shall as a part of the title of the office designate the term of vacancy for, or to fill which the candidates are severally nominated. (§ 81 of the Election Law. Thus amended by chap. 810, Laws 1895.)

Circle to be omitted.

Separation of party tickets by heavy border.

Uniform size, quality of paper, etc.

Designation of terms of office.

**Misconduct in relation to official ballots.**

Misconduct  
in relation  
to ballots.

"A person who \* \* \*

4. Forges or falsely makes the official indorsement of any ballot; or

5. Having charge of official ballots, destroys, conceals or suppresses them, except as provided by law,

Is punishable by imprisonment for not less than one nor more than five years." (*Extract, § 41g, Penal Code, chap. 693, Laws 1892.*)

**Form of official ballot for constitutional amendments or other propositions or questions.**

Official  
ballots for  
constitu-  
tional  
amend-  
ments, etc.

"Whenever the adoption of a constitutional amendment or any other proposition or question is to be submitted to the vote of the electors of the state, or of any district thereof, a separate ballot shall be provided by the same officers who are charged by law with the duty of providing the official ballots for candidates for public office. Such ballots shall comply with the requirements for official ballots for candidates for public office in so far as such requirements are applicable thereto. Under the perforated line shall be clearly printed the question of the adoption of the constitutional amendment or other proposition or question upon which the electors within the district for which such ballot is provided may lawfully vote. If there be more than one constitutional amendment or proposition or question to be submitted to the voters of that district, the different amendments or propositions or questions shall be separately numbered and printed. Opposite and before each such amendment, question or proposition so submitted shall be printed two squares, inclosed in ruled lines, one above the other. Preceding the upper one of such squares shall be printed the word 'Yes,' and preceding the lower one of said squares shall be printed the word 'No.' At the top of each such ballot, immediately above the perforated line, shall be printed the following words, inclosed in brackets: [Notice to voters. For an affirmative vote upon any question submitted upon this ballot make a cross (X) mark in the square after the word 'Yes.' For a negative vote,

Words to be  
printed at  
top of  
ballots.

make a similar mark in the square following the word 'No.'] All such ballots for the same polling place shall be of the same color and size and similarly printed, so that, after the removal of the stub, which shall be numbered as in cases of ballots for candidates for public office, it shall be impossible to identify or distinguish any one of such ballots from the others. On the back of each such ballot, below the stub, shall be printed appropriate words showing that such ballot relates to a constitutional or other question to be submitted to the electors, so as to distinguish the said ballots from the official ballot for candidates for office; and such ballots shall be further authenticated by the fac simile of the signature of the officer, or of the president or of the clerk of the board, furnishing the same, printed as a part of such indorsement on the back thereof." (§ 83 of *Election Law*. Thus amended by chap. 810, *Laws* 1895.)

Uniform size, quality of paper, etc.

Indorsement on ballots.

**Designation of officers to provide ballots and instruction cards and distance markers.**

"The county clerk of each county except New York shall provide the requisite number of printed official ballots, sample ballots and the instruction cards and distance markers, for each polling place in the county for each election to be held thereat, except town meetings, the city and village elections, and elections of school officers not held at the same time as a general election, and except that the county clerk of the county of Kings shall provide the same only for such election districts of such county as are outside of the city of Brooklyn. The board of police commissioners of the city of New York, and the board of elections in the city of Brooklyn, shall provide such official ballots, sample ballots and the cards of instruction and distance markers for each polling place in each of said cities respectively, for each election to be held thereat. If a city or village election or a town meeting for the election of public officers shall be held upon a different day from a general election, the clerk of such city, village or town, respectively, shall provide such official ballots, sample ballots, and the cards of instruction and distance markers for each polling place of such election or town meeting. Each

Who to provide ballots, etc.

In the cities of New York and Brooklyn.

For city or village elections or town meetings.

Ballots, when to be

provided  
and open to  
inspection.

Delivery  
of sample  
ballots to  
voters.

officer or board charged with providing official ballots for any polling place, shall have sample ballots and fac similes of the official ballots provided, and in the possession of such officer, board or clerk thereof, and open to public inspection as follows: The ballots five days before the election, and the fac similes of the official ballots four days before the election for which they are prepared, unless prepared for a village election or town meeting held at a different time from a general election, in which cases the official ballots shall be so printed and in possession at least one day and the sample ballots at least two days before such election or town meeting. During the times within which the same are open for inspection as aforesaid, it shall be the duty of the officer or board charged by law with the duty of preparing the same, to deliver a sample ballot, of the kind to be voted in his district, to each qualified voter who shall apply therefor, so that each voter who may desire the same may obtain a sample ballot, similar except as regards color and the number on the stub, to the official ballot to be voted at the polling place at which he is entitled to vote." (§ 86 of the *Election Law*. Thus amended by chap. 810, *Laws* 1895.)

### Sample ballots and instruction cards.

Sample  
ballots.

Furnishing  
of same to  
voters at  
poll.

Instruction  
cards.

"Sample ballots, equal in number to twenty-five per centum of the number of official ballots provided therefor, shall also be provided for every polling place for which official ballots are required to be provided. Such sample ballots shall be printed on paper of a different color from the official ballots and without numbers on the stubs, but shall, in all other respects, be precisely similar to the official ballots to be voted at that polling place. One of such sample ballots shall, at any time upon the day of election, be furnished upon application to any voter entitled to vote, at that polling place, and may be taken by him away from such polling place before receiving his official ballot or ballots. Twelve instruction cards printed in English, and twelve printed in each of such other languages as the officer or officers charged with providing them shall deem necessary, shall also be provided for

each such polling place, containing, in clear, large type, full instructions for the guidance of voters in obtaining ballots for voting, in preparing their ballots for deposit in the boxes, in returning their ballots to the ballot clerks, and in obtaining new ballots in place of those returned, and a copy of each of the sections of the penal code relating to crimes against the elective franchise." (§ 84 of the *Election Law*. Thus amended by chap. 810, *Laws* 1895.)

**Number of official ballots for each polling place.**

"The number of official ballots of each kind to be provided for each polling place for each election to be held thereat, except a town meeting or a village election held at a different time from a general election, shall be three times as many ballots as there were names of voters on the registry of voters of such district, for such election, at the close of the fourth meeting for such registry. Where but two days of registration are required there shall be a number equal to three times the number of names upon the registry at the close of the second meeting for registration. The number of official ballots of each kind to be provided for each polling place for a town meeting or village election held at a different time from general election shall be at least three times the number of persons who will be entitled to vote thereat, as nearly as can be estimated by the officer charged with the duty of providing such ballots." (§ 85, *Election Law*. Thus amended by chap. 810, *Laws* 1895.)

Number for general or city election.

Number for town meetings or village elections.

**Distribution of ballots and instruction cards and distance markers to polling places.**

"The county clerk of each county charged with providing the same, shall on the Saturday before the election at which they may be voted, deliver to the clerk of each town and to the city clerk of each city in such county the official ballots, sample ballots, and instruction cards and distance markers required to be provided for each polling place in such town or city election. All official ballots, sample ballots, and instruction cards and distance markers for each election district shall be so delivered, in separate sealed packages, each

Delivery of ballots, etc.

Receipts  
for pack-  
ages.

Delivery to  
inspectors  
of election.

Receipts.

Delivery  
for town  
meetings,  
city and  
village  
elections.

In New  
York and  
Brooklyn.

kind of official ballot being arranged consecutively in the order of the printed numbers of the stubs thereof, beginning with number one. Each such package shall be clearly marked on the outside thereof with the number and kind of ballots, sample ballots, instruction cards and distance markers inclosed therein respectively, and the designation of the election district for which it is provided. Receipts for the packages so delivered, specifying the number and kind of packages, shall be given by each town and city clerk receiving them, and filed with such county clerk, who shall keep a record of the time and manner of the delivery thereof. Each town and city clerk receiving such packages shall cause all such packages so received and marked for any election district to be delivered unopened and with the seals thereof unbroken to the inspectors of election of such election district, at the opening of the polls of such election therein, and cause a receipt to be then taken from such inspectors for such packages, specifying the number and kind thereof, which receipt shall be filed in the office of such clerk. Town, city and village clerks required to provide the same for town meetings, city and village elections held at different times from a general election, and the boards of the cities of New York and Brooklyn required to provide the same for elections held therein, respectively, shall in like manner, deliver to the inspectors or presiding officers of the election at each polling place at which such meetings and elections are held, respectively, the official ballots, sample ballots, and instruction cards and distance markers required to be provided therefor, respectively, in like sealed packages marked on the outside in like manner, and shall take and file receipts therefor in like manner, in their respective offices." (§ 87, *Election Law*. *Thus amended by chap. 810, Laws 1895.*)

### Failure to deliver official ballots.

Penalty for  
failure to  
deliver  
ballots.

"Any person who has undertaken to deliver official ballots to any city, town or village clerk, or inspector, as authorized by the election law, and neglects or refuses to do so, is guilty of a misdemeanor." (§ 41h, *Penal Code*.)

**Form of town clerk's or city clerk's receipt for official ballots received from county clerk.**

Form for receipt by clerk.

Received of ..... clerk of ..... county,  
 One package, containing .. official ballots .....  
 One package, containing .. sample ballots .....  
 One package, containing .. distance markers .....  
 One package, containing .. instruction cards .....  
 .....  
 .....  
 .....  
 Dated.....

(Signed) .....

(Town or city) Clerk.

**Form of election inspectors' receipt for official ballots received from town or city clerk.**

Form for receipt by inspectors.

Received of ..... (city or town) clerk.....  
 One package, containing .. official ballots.....  
 One package, containing .. sample ballots .....  
 One package, containing .. distance markers.....  
 One package, containing .. instruction cards.....  
 .....  
 .....  
 .....  
 Dated.....

(Signed) .....

Inspectors of Election,  
 District Poll (town or city).

**Correction of errors and omissions in ballots.**

“Upon affidavit, presented by any voter, that an error or omission has occurred in the publication of the names or description of the candidates nominated for office, or in the printing of the sample or official ballots, the supreme court, or a justice thereof, may make an order, requiring the county clerk, or other officer or board charged with the duty in respect to which such error or omission occurs, to correct such error, or show cause why such error should not be corrected. The county clerks or such other officers or boards, shall, upon their own motion, correct without delay, any patent error in the ballots which they may discover, or which shall be brought

Court may order corrections made.

Corrections upon own motion of county clerk, etc.



to their attention, and which can be corrected without interfering with the timely distribution of the ballots to the inspectors of election in the election districts." (§ 88, *Election Law, chap. 680, Laws 1892.*)

**Official distribution to polling places of substitutes for missing official ballots.**

Preparation of unofficial ballots.

"If the official ballots required to be furnished to any town or city clerk, shall not be delivered at the time required, or if after delivery shall be lost, destroyed or stolen, the clerk of such town or city shall cause other ballots to be prepared as nearly in the form of the official ballots as practicable, but without the indorsement, and upon the receipt of ballots so prepared from such clerk, accompanied by his statement under oath that the same have been so prepared and furnished by him, and that the official ballots have not been so delivered, or have been so lost, destroyed or stolen, the inspectors of election shall cause the ballots so substituted to be used at the election, in the same manner as near as may be as the official ballots. Such ballots so substituted shall be known as unofficial ballots." (§ 89, *Election Law, chap. 680, Laws 1892.*)

Use of, when permitted, etc

**Form of card to be prepared and printed in one or more languages by county clerks, to be distributed in each voting district and hung in each voting booth election day.**

INSTRUCTIONS FOR THE GUIDANCE OF VOTERS.

Instructions for voters.

*Obtaining ballots.* One official ballot or set of official ballots, folded in the proper manner for voting, may be obtained by a voter from the ballot clerks at the polls of election, upon the voter announcing his name to the ballot clerks. On receiving his ballot he shall forthwith, and without leaving the inclosed space, retire alone to one of the unoccupied voting booths, and without undue delay unfold and mark his ballot as hereinafter described, remaining in the booth not more than five minutes in case all the booths are in use.

*Rules for preparing ballots.* The voter is to observe the following rules in marking his ballot, using only for the purpose a pencil having a black lead :

1. If the elector desire to vote a straight ticket, or in other words for each and every candidate of one party for whatever office nominated, he shall either,

(a) Make a cross (X) mark in the circular space below the device and above the name of the party at the head of the ticket ; or,

(b) Make a cross (X) mark on the left of and opposite the name of each and every candidate of such party in the blank space provided therefor.

2. If the elector desires to vote a mixed ticket, or in other words, for candidates of different parties, he shall, either,

(a) Omit making a cross (X) mark in the circular space above the name of any party, and make a cross (X) mark in the blank space before the name of each candidate for whom he desires to vote on whatever ticket he may be ; or,

(b) Make a cross (X) mark in the circular space above the name of a party, some of whose candidates he desires to vote for, and then make a cross (X) mark before the name of any candidate of any other party for whom he may desire to vote ; in which case the cross (X) mark in the circular space above the name of a party will cast the elector's vote for every candidate on the ticket of such party, except for offices for which candidates are marked on other party tickets, and the cross (X) marks before the names of such candidates will cast the elector's vote for them.

If two or more persons for the same office are to be voted for in any election district, as two or more representatives in congress or other officers, and the names of several candidates therefor appear on any party ticket grouped under the office for which all are running, the elector who has marked a ticket in the circular space at its head, and marked one or more of a group of candidates for such office on another ticket or tickets, must in addition to marking the ticket in the circular space at its head, also make a cross (X) mark before each one of the group of candidates for such office for whom he desires to vote on the ticket thus marked.

In the case of a question submitted, the elector shall make a cross (X) mark in the blank space on the right of and after the answer which he desires to give.

If the elector desires to vote for any person whose name does not appear on the ticket, he can substitute the name by writing it with pencil having black lead in the proper place, in the blank column on the right of the ballot, and making a cross (X) mark in the blank space at the left of the name so written.

If there should be no nomination for a particular office by any political party, or if by inadvertence, or otherwise, the name of a candidate regularly nominated by such party should be omitted from the ballot, and the elector desires to vote for some one to fill such office, he may do so by writing the name of the person for whom he desires to vote in the space underneath the heading or designation of such office in the blank column on right of the ballot, and making a cross (X) mark before the name so written.

*Returning and obtaining new ballots in place of those returned.* If the voter soils or defaces a ballot so that it cannot be used, he may successively obtain others, one at a time, not in all exceeding three, upon returning each ballot so soiled or defaced to the ballot clerks.

*Delivery of ballots to inspectors.* After marking his ballot or ballots and before leaving the booth the voter must fold his ballot or ballots in the proper manner for voting, which is first crosswise by bringing the bottom of each ballot up to the perforated line, and then folding both sides to the center or towards the center, in such manner that when folded the face of each ballot shall be concealed and the printed number on the stub and the indorsement on the back of the ballot visible. He shall then deliver the ballot or ballots properly folded to the inspector in charge of the ballot boxes, who, if the voter is entitled to vote and be not challenged, or if challenged, the challenge be decided in his favor, and the ballots have no unlawful distinguishing mark or tears visible on the outside thereof, after removing this stub, shall deposit the same in plain view of the voter in the proper ballot box for the reception of voted ballots.

(In addition to the foregoing matter, the instruction cards must contain a copy of each of the sections of the Penal Code relating to crimes against the elective franchise.)

# Election Supplies and Expenses, Polling and Registry Places and Furniture Therefor.

## Ballot boxes.

“There shall be but one ballot box at each polling place for receiving all ballots cast for candidates for office, which box shall be conspicuously marked ‘box for general ballots.’ There shall also be ballot boxes for the reception of spoiled and returned ballots, and a box for detached ballot stubs, which boxes shall be properly marked. If proposed constitutional amendments, or other propositions or questions, may lawfully be voted upon thereat, there shall be a separate ballot box at each polling place for the reception of ballots upon such amendments or propositions or questions, which box shall be marked ‘box for questions submitted.’ Every ballot box shall be provided with a sufficient lock and key, and with an opening in the lid large enough and not larger than may be necessary to allow a single folded ballot to be easily passed through such opening into the box. Each such box shall be large enough to properly receive and hold all ballots which may lawfully be deposited therein at any election.”

(§ 13 of *Election Law*. Thus amended by chap. 810, *Laws* 1895.)

Boxes for ballots cast, returned ballots, etc.

Separate box for amendments, etc.

Construction of boxes.

## Voting booths and guard rails.

“There shall be in each polling place during each election, a sufficient number of voting booths not less than one for every fifty voters in the election district. Each such booth shall be at least three feet square, shall have four sides enclosed, each at least six feet high, and the one in front shall open and shut as a door swinging outwards and shall extend to within two feet of the floor. Each such booth shall contain a shelf which shall be one foot wide extending across one side of the booth at a convenient height for writing, and shall be furnished with such supplies and conveniences, including shelves, and pencils having black lead only, as will enable the

Number of booths.

Manner of construction.

Supplies, etc., for preparing ballots.

Artificial lights.	voters to conveniently prepare their ballots for voting. Each booth shall be kept clearly lighted while the polls are open, by artificial lights, if necessary.
Guard rail.	A guard rail shall be placed at each polling place at least six feet from the ballot boxes and the booths, and no ballot box or booth shall be placed within six feet of such rail, and each guard rail shall be provided with a separate entrance and separate exit. The arrangement of the polling place shall be such that the booths can only be reached by passing within the guard rail, and that the booths, ballot boxes, election officers, and every part of the polling places, except the inside of the booths, shall be in plain view of the election officers and of persons just outside of the guard rail. Such booths shall be so arranged that there shall be no access to intending voters or to the booths through any door, window or opening, except by the door in the front of said booth." (§ 14, <i>Election Law</i> . Thus amended by chap. 810, Laws 1895.)
Arrangement of polling place.	
Arrangement of booths.	

#### Designation of places for registry and voting — provision of furniture therefor.

Designation of places for registry and voting.	“On the first Tuesday of September of each year, the town board of each town, and the common council of each city, except New York and Brooklyn, shall designate the places in each election district in the city or town, at which the meetings for the registry of voters and the elections shall be held during the year. Each room so designated shall be of a reasonable size, sufficient to admit and comfortably accommodate at least twenty electors at a time outside of the guard rails. No building or part of a building shall be so designated in any city, if within sixty days before such designation, intoxicating liquors, ale or beer shall have been sold in any part thereof. No room shall be so designated elsewhere than in a city, if, within sixty days before such designation, intoxicating liquors, ale or beer shall have been sold in such room, or in a room adjoining thereto, with a door or other passage-way between the two rooms. No intoxicating liquor, ale or beer shall be sold in such building in a city, or in such room or adjoining room elsewhere, after such designation and
Restrictions.	
Sale of intoxicating liquors, etc., prohibited.	

before the general election next thereafter, or be allowed in any room in which an election is held during the day of the election. If any place so designated shall thereafter and before the close of the election be destroyed, or for any reason become unfit for use, or can not for any reason be used for such purpose, the officers charged with the designation of a place for such election, shall forthwith designate some other suitable place for holding such election. Not more than one polling place shall be in the same room, and not more than two polling places shall be in the same building.

Redesigna-  
tion of  
place.

One polling  
place in  
same room.

The officers authorized to designate such places in any town or city, shall provide for each polling place at each election, the necessary ballot and other boxes, guard rail, voting booths and supplies therein, and the other furniture of such polling place, necessary for the lawful conduct of each election thereat, shall preserve the same when not in use, and shall deliver all such ballot or other boxes for each polling place with the keys thereof to the inspectors of election of each election district at the opening of the polls of each election." (§ 10, *Election Law*. Thus amended by chap. 810, *Laws* 1895.)

Officers to  
provide  
boxes,  
locks, etc.

Preserva-  
tion and  
delivery of  
same to  
inspectors.

### **Failure to designate polling places.**

"If the board fails to designate the polling places on the first Tuesday of September, subsequent action would be legal." (*Opinion Attorney-General*.)

Legality of  
subsequent  
designa-  
tion.

### **Compensation for use of polling places.**

"The officers designating the polling places have, I think, authority to agree upon the reasonable price to be paid for the use of such place, but the expense thereof must be audited as other town accounts are audited." (*People v. Barnes*, 114 N. Y. 317-324.) (*Opinion Attorney-General*.)

Compensa-  
tion for use  
of polling  
place.

### **Designation of polling place for one election district in another.**

The constitution, section 1, article II, prescribes the qualification of voters, and among other things, declares that a person who has been "for the last thirty days a resident of the election district in which he may offer his vote, shall be enti-

No au-  
thority for  
appointing  
polling  
place for  
one district  
in another.

tled to vote at such election in the election district of which he shall at the time be a resident and not elsewhere."

It would seem from these provisions that there is no authority for appointing a polling place for one election district in another and different district. (*Opinion Attorney-General.*)

### **Removal, mutilation or destruction of election booths, supplies, etc.**

Any person who :

Penalty for  
destruction  
of supplies,  
etc.

1. During an election or town meeting, willfully defaces or injures a voting booth or compartment, or willfully removes or destroys any of the supplies or other conveniences placed in the voting booths or compartments in pursuance of law ; or,

2. Before the closing of the polls, willfully defaces or destroys any list of candidates to be voted for at such election or town meeting, posted in accordance with the election law ; or,

3. During an election or town meeting, willfully removes or defaces the cards for the instruction of voters, posted in accordance with the election law, is guilty of a misdemeanor. (§ 41e, *Penal Code.*)

### **Payment of election expenses.**

Expense  
town or  
city  
charge.

"The expense of providing polling places, voting booths, supplies therefor, and other furniture of the polling place, and distance markers, and the compensation of the election officers in each election district, shall be a charge upon the town or city in which such election district is situated, except that such expenses incurred for the purpose of conducting a village election, not held at the same time as a general election, shall be a charge upon the village.

Expense of  
printing  
and deliv-  
ering bal-  
lots, etc.

The expense of printing and delivering the official ballots, sample ballots and cards of instruction, and distance markers to be used at a town meeting, city or village election, not held at the same time as a general election, and of printing the lists of nominations therefor, shall be a charge upon the town, city or village in which the election is held. The expense of printing and delivering the official ballots, sample ballots, and cards of instruction and distance markers to be used in any county at any other election, if no town meeting, city or vil-

lage election be held at the same time therewith, and of printing the lists of nominations therefor, shall be a charge upon such county. The expense of printing and delivering the official ballots, sample ballots, and cards of instruction and distance markers to be used in any county at any such other election, and of printing the lists of nominations therefor, if a town meeting, city or village election be held in such county at the same time therewith, shall be apportioned by the county clerk between such town, city or village, and such county, in the proportion of the number of candidates for town, city or village officers on such ballots respectively, to the whole number of candidates thereon, and the amount of such expense so apportioned to each such municipality shall be a charge thereon. For the purposes of this section, the county of Kings includes only that portion of the county outside the city of Brooklyn. All expenses lawfully incurred by the board of elections of the city of Brooklyn shall be a charge on such city.

The county clerk of each county, not salaried, shall be paid by such county a reasonable compensation for his services in carrying out the provisions of this chapter, to be fixed by the board of supervisors of the county. County clerk's fees.

The town clerk of each town shall be paid by such town a reasonable compensation for his services in carrying out the provisions of this chapter, to be fixed by the other members of the town board of the town. Town clerk's fees.

Ballot clerks and persons acting as such, and clerks of boards of registry in cities, except New York and Brooklyn, shall receive the same compensation for their attendance at an election, or meeting for registry in pursuance of law, as inspectors of election, and be paid in like manner. An inspector of election lawfully required to file any papers in a county clerk's office, shall, unless he resides in a city or town in which such office is situated, be entitled to receive as compensation therefor, five dollars, and also four cents a mile for every mile actually and necessarily traveled between his residence and such clerk's office, in going to and returning from such office. (§ 17, *Election Law*, 1892. Thus amended by chap. 810, *Laws* 1895.) Ballot clerks, etc., in cities.  
  
Fees of inspector for filing papers.



# Myers Automatic Ballot Machine.

## CHAPTER 764, LAWS 1894.

### Use of ballot machines in towns and cities.

Provision  
for use of  
machines.

§ 1. The board of supervisors of any county within this state in which one or more of the towns therein shall have adopted the Myers automatic ballot machine, as authorized by section forty-two of the town law, may, at any annual session or special meeting, called for that purpose, provide for the use of the Myers automatic ballot machine in such towns and in those thereafter so adopting the same, at all elections held therein; and it shall also be lawful for the common council of any city other than the cities of New York and Brooklyn, by a two-thirds vote, to determine upon the use of said Myers automatic ballot machines at all elections to be held within such city; and thereupon such ballot machines shall be used for the purpose of voting for all public officers to be elected by the voters of such towns or city, or any part thereof, and upon all constitutional amendments or propositions, or questions which may lawfully be submitted to such voters, and for registering and counting the ballots cast at such elections. But nothing in this section contained shall be construed as compelling the use of such ballot machines at an election of school officers of a city or village at which no other public officer is to be elected. (*Thus amended by chap. 73, Laws 1895.*)

### Definitions.

Definitions. § 2. The following terms as used within this act shall be construed to mean as follows:

Cabinet.— The Myers automatic ballot machine as a whole.

Voters' compartment.— That part of the ballot machine occupied by the voter in voting.

Counted \* compartment.— The closed portion of the ballot machine containing the automatic mechanical counters.

Counters.— The registering dials in the counter compartment.

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\* So in the original.

**Public counter.**—The exposed dial at the front of the ballot machine which registers the total number of electors voting.

**Partition plate.**—The metal partition dividing the voter's compartment from the counter compartment.

**Push knobs.**—The knobs projecting from the partition plate into the voters' compartment and by which the elector registers his vote.

**Keyboard.**—The face of the partition plate within the voters' compartment.

**Ballot frames.**—The metallic frames within which the ballots are secured upon the keyboard.

**Ballots.**—The tabulated lists of offices and nominees respectively, therefor, or succinct statements of the constitutional amendments or other questions or propositions submitted, arranged vertically in pairs, successively captioned "for" and "against," printed on cardboard or heavy paper and of dimensions, colors and type as herein specified to be placed within the ballot frames, posted at the polls and given to the inspectors as in this act prescribed.

**Ballot captions.**—The headings upon which are printed the name or other appropriate designation of the party or other nominees, constitutional amendments, questions or propositions submitted, to be placed in a frame provided therefor, upon the key-board above each vertical column of nominees, constitutional amendments, questions or propositions, and to correspond therewith in material and color.

**Diagram poster.**—A complete set of ballots and ballot captions forming a fac-simile of those upon the key-board and to be posted at the polls.

**Counter labels.**—The cards or labels placed in receptacles upon the face of the respective counters attached to the back of the partition plate within the counter compartment, having printed thereon the name of the nominee, or a statement of the amendment, question or proposition submitted, successively, following the words "for" and "against" placed directly opposite the corresponding name, amendment, question or proposition as it appears upon the face

of the partition plate, within the voters' compartment and being of the same material and color as its said opposite.

Instruction cards.—The directions as to method and manner of voting and statement of the penal provisions relating to the election code, and to be posted at the polls.

The word nominee, is to be construed to mean, any persons for whom an elector may vote at the election.

Town.—The word "town" as herein used shall be construed to mean such town as shall have adopted the Myers' ballot machine as prescribed in section one.

City.—The word "city" as herein used shall be construed to mean such city as shall have adopted the said ballot machine as prescribed in section one.

#### **Provisions for equipment of polling place.**

Equipment  
of polling  
places.

§ 3. The town board of each town, and the common council of each city shall provide for each polling place, at each election, the necessary ballot machines in complete working order, with ballots, ballot captions, and counter labels in their proper places therein, and with the dials of the counters set nine thousand nine hundred and ninety-nine, guard-rails, inspectors' table, and other furniture and equipment of such polling place necessary for the lawful conduct of the election thereat and shall have in readiness each such polling place; put the inspectors of election in possession thereof, and deliver to them the keys of the ballot machine therein, at least thirty minutes before the opening of the polls at the election. The said board of each town and the common council of each city shall care for the ballot machine, furniture and equipment of the polling places when not in use at the elections.

#### **Arrangement of the polling place.**

Arrangement  
of  
polling  
place.

§ 4. The ballot machines at each polling place shall be so placed as to be at least three feet from the wall of the room and at least three feet from the outer guard-rail. There shall be two guard-rails, called the out and inner rails. The outer rail shall be so placed as to bar access to within three feet or more of the ballot machine

with openings or gateways therein leading to and from the inspectors' table, which shall be at least four feet from the ballot machines. The inner guard-rail shall extend to a point at or near the the inspectors' table from a fixture on the ballot-machine placed between the entrance and exit doors. Such other guard-rails may be used as shall seem necessary or convenient. The ballot-machine and every part of the polling place, except the interior of the ballot-machine, shall be in plain view of the election officers and person just outside the guard-rails.

**Providing ballots.**

§ 5. The county clerk of the county shall provide, at the county's expense, the requisite number of ballots, ballot captions, counter labels and instruction cards for each polling place in such town and city for each election to be held thereat, except town meetings and city and village elections and elections of school officers not held at the same time as the general election. If a city or village election or a town meeting for the election of public officers shall be held upon a different day from a general election, the clerk of such city, village or town shall provide, at the expense of such city, village or town, the requisite number of ballots, ballot captions, counter labels and instruction cards for each polling place. The ballots, ballot captions, counter labels and instruction cards shall be printed and in possession of the clerk charged with providing them and open to the public inspection four days before the election, except those for a village election or a town meeting held at a different day from the general election shall be so printed, in possession and open to public inspection two days before such village election or town meeting. In any town, village, city or county where the Myers automatic ballot machine has been or may be adopted for use at elections, the voting precincts or districts therein may be arranged by the officers charged by law with such duty, so as to contain not more than six hundred voters each. (*Thus amended by chap. 73, Laws 1895.*)

Ballots,  
how pro-  
vided.

**Description of ballot captions, ballots, counter labels and instruction cards.**

§ 6. Ballot captions shall be of cardboard or heavy paper, four inches long by three and three-fourths inches wide and shall have printed thereon, in plain, clear type as large as the space will reasonably permit, the party or other

Ballot  
captions.

**Ballots.** appropriate designation of the nominees, amendments, questions or other propositions submitted. Ballots shall be of as many kinds as there are political parties or titles represented by certificates of nominations duly filed, or constitutional amendments, questions or other propositions submitted, and shall be of cardboard or heavy paper, three and five-eighths inches wide, spaced by cross lines one and eleven-sixteenths inches apart, between centers of lines, except the upper one should be thus spaced, four inches from the top and upon the ballot shall be printed in plain, clear type, not smaller than pica, the name of the office and under it the name of the candidate or nominee therefor in plain, clear type, known as great primer ionic, as large as the width of the ballot will permit, or a plain, concise statement of the amendment, question or proposition submitted under successive captions "for" and "against," with or without an index hand pointing (when placed in the ballot frame) to the push knob used when voting by that ballot.

**Counter labels.** Counter labels shall be of cardboard, or heavy paper, three-eighths of an inch wide by three inches long, upon which shall be printed the name or other suitable designation of the nominee, amendment, question or other proposition submitted. Should any party fail to make a nomination for an office, the ballot in that party's column upon the key-board on the horizontal line devoted to that office shall be left blank and its push-knob to the right and opposite thereto shall be capped so as to be inoperative.

**Names on ballots.** Should two or more parties nominate the same person for the same office, his name shall be printed upon the ballot of the party which shall first nominate him, provided such nominee within two days after his second nomination may, by a written instrument acknowledged as deeds are required to be acknowledged for record, and filed with the county clerk of the county, designate which one of such political parties in whose column he desires his name to appear, and the county clerk shall prepare his ballot for that party, and the ballots of the other party or parties which shall have nominated him shall be left blank for that office, and the corresponding

push-knob or push-knobs to the right of and opposite thereto shall be capped so as to be inoperative. If two or more officers are to be elected to the same office for different terms, the term for which each is nominated shall be designated on the ballot. If, in any congressional district, one congressman is to be elected for a full term and another to fill a vacancy, the ballot containing the name of each nominee shall designate the congress for which he is nominated. The ballot captions, ballots and counter labels of the several political parties or other nominating bodies, and the ballots for and against constitutional amendments or other propositions or questions, shall be distinguished from each other by distinctive colors; and, so far as is possible, the colors to be used to distinguish the candidates of the different political parties or other nominating bodies shall be those prescribed by the present usage of those towns in which such ballot machines have heretofore been used. The instruction cards shall state the prescribed colors of the party ballots and other ballots, and ballot captions, and give a summary of the laws punishing violations of the election law, with such other information as shall seem pertinent and advisable.

Colors of  
ballots.

Instruction  
cards.

**Number of ballot captions, ballots, counter labels, and instruction cards.**

§ 7. Four ballots of each kind shall be provided for each polling-place. Four instruction cards printed in English and four printed in such other language or languages as shall be prescribed by the board of supervisors of the county, shall be provided for each polling place. They shall be printed in clear type so as to be easily read. Four complete sets of ballot captions and two complete sets of counter labels shall also be provided for each polling place.

Number of  
ballots, etc

**Correction of mistakes.**

§ 8. Upon affidavit presented by any voter that an error or an omission has occurred in the printing of the ballots, ballot captions or counter labels, the supreme court or a justice thereof, may make an order requiring the county

Correction  
of mis-  
takes.

clerk or other officer or board charged with the duty in respect to which such error or omission occurred, to correct such error or show cause why it should not be corrected. The county clerk or other officer or board shall, on their own motion, correct any palpable error in the ballots, ballot captions, counter labels or instruction cards which can be corrected without interfering with their timely distribution.

#### Distribution of ballots.

**Distribu-  
tion of bal-  
lots.** § 9. The county clerk charged with the duty of providing ballots, ballot captions, counter labels, and instruction cards, shall on Saturday before the election in which they are to be used, deliver to the clerk of each town and to the city clerk of each city in the county, the ballots, ballot captions, counter labels, and instruction cards required for each polling place in such town or city. They shall be so delivered in two equal and similar sealed packages for each election district, each marked upon the outside thereof with the designation of the election district for which it is intended.

**Receipts.** Receipts, specifying the number and kind of packages, shall be given by each town and city clerk, and filed with the county clerk, who shall keep a record thereof, specifying the time and manner of the delivery. Each town and

**Delivery to  
inspectors.** city clerk receiving such packages shall cause one of them to be delivered unopened and with its seals unbroken, to the inspectors of the election district marked thereon, at least thirty minutes before the opening of the polls, and shall take a receipt from such inspectors, specifying and describing the package, which receipt shall be filed in the office of such clerk; from the contents of the other package he shall, not later than the day preceding the election, place, or cause to be placed, in the proper receptacles in each ballot-machine the ballot captions, ballots and counter labels in the order as officially published, and shall post instruction cards and diagram posters within the polling-room, accessible to voters, and set all labeled counters at ninety-nine hundred and ninety-nine. City and town

**Duty of  
city and  
town  
clerks.** clerks, charged with the duty of providing ballots, ballot captions, counter labels and instruction cards shall, in like

manner, distribute them and take receipts therefor within their respective cities and towns. Such receipts shall be filed in the respective offices of the city and town clerks.

**Lost ballots.**

§ 10. If the ballots, ballot captions, counter labels or instructions cards shall not be furnished to the town or city clerk as required herein, or if after being furnished and delivered they, or any of them, shall be lost, destroyed or stolen, the clerk of such town or city shall cause other ballots, as nearly in the form as those lost, destroyed or stolen, as possible, captions, counter labels or instruction cards to be prepared, and deliver them to the inspectors of election in their several election districts, and the substituted ballots, ballot captions, counter labels or instruction cards shall be used at the election in the same manner, as near as may be, as those lost, destroyed or stolen. The inspectors may correct palpable errors therein and shall, in their statement of the election, specify such corrections as made by them.

**Preparation for voting.**

§ 11. The inspectors of election and the poll clerks shall meet at their respective polling places in each election district thirty minutes before the time of the opening of the polls therein. The inspectors shall choose one of their number chairman, if not already so chosen and present. They shall there have the ballots, ballot captions, counter labels and instruction cards, and shall break the package thereof, make and post conspicuously, and so as to be accessible, one or more diagram posters, two or more instruction cards and, if they shall be printed in different languages, at least two in each such language at said polling place. The diagram posters and instruction cards, so posted, shall not be taken down, torn, defaced or mutilated at such elections. The chairman shall retain one complete set of ballots, ballot captions and counter labels for use within the ballot machine, if needed. The inspectors shall then enter the voters' compartment of the ballot machine through the entrance door, and if not already done, the chairman shall, in the presence of the



inspectors, adjust and secure within the frames upon the keyboard the ballot captions, and ballots in the vertical numbered columns and to the left side of the push knobs of the same color as the ballots, and arranged in the same order as on the diagram posters. The chairman shall then, in an audible voice, read from the said columns consecutively, beginning with the column number one, the caption and the ballots thereunder, in the order that they appear on the keyboard. The inspectors shall see that all the names of the nominees for the same office appear and remain on the same horizontal lines, and that the ballots upon constitutional amendments, or other questions or propositions submitted, are arranged in pairs, successively captioned "for" and "against." The chairman shall then lock the bolt rod behind the lock button at the left side of the keyboard. The inspectors shall then leave the voters' compartment through the entrance door, and the authorized watchers may then inspect the interior of the voters' compartment, likewise entering and departing through the entrance door, which shall thereupon be closed and lock by the chairman. The chairman shall then fully open the sliding doors of the counter compartment, in the presence of the inspectors and watch-ers, and, if not already so done, set each and every labeled counter at 9,999, and announce that every counter is so set. The chairman shall then direct the two other inspectors to enter the voters' compartment, push in the push-knob of the uppermost ballot in column number one, and read aloud said ballot, whereupon the chairman shall insert in the receptacle of the counter thus indicated its counter label, if not already inserted, and shall audibly repeat the name and in substance, say his counter is labeled and that its dials are set at zero. They shall thus continue until all the push-knobs in column number one have been pushed in. One of the inspectors shall then go out through the exit door, thus releasing the push-knobs. The inspectors shall then re-enter the ballot machine, and they shall proceed with the remaining columns in all respects as with column number one. The two inspectors shall then leave the voters'

compartment simultaneously, one going out through the exit door, the other through the entrance door. They shall all then see that the counter labels are in the same relative position opposite their respective ballots, and that all the ballots stand at zero. The chairman shall then adjust the public counter at zero. The counter compartment shall then be locked.

### Duties of inspectors.

§ 12. During the time that the polls are open the chairman, <sup>Duties of inspectors.</sup> or one of the inspectors, shall be stationed at the entrance door of the ballot-machine to act as doorkeeper.

### Voting.

§ 13. The polls being open, the voters shall pass through the <sup>Voting.</sup> opening in the outer guard-rail singly or in single file, and keeping in file, proceed to the inspectors' table. If the voter shall be found to be entitled to vote, the doorkeeper shall admit him to the ballot-machine through the entrance door, which shall be immediately closed and kept closed until said voter shall have come out through the exit door, and said exit door is entirely closed. The voter may be challenged at any time before he enters the ballot-machine.

### Disabled voters.

§ 14. Any voter who shall be totally blind, without the use <sup>Disabled voters.</sup> of either hand sufficient to push the knobs, or physically unable to enter or leave the ballot-machine without assistance, may choose from the inspectors or poll clerks, an assistant, who shall be admitted to the ballot-machine with him. The person so selected shall not, in any manner, request or seek to persuade or induce such voter to vote any particular ballot or for any particular nominee, amendment, question or proposition, and shall not reveal how such disabled voter voted, or what occurred within the ballot machine. After voting, one shall come from the ballot machine through the entrance door first, the other through the exit door last. The name of the assistant shall be noted on the registers and poll-lists, opposite the name

of the disabled voter and also the character of the disability. Intoxication, inability to read and write, and mental disability shall not be regarded as physical disability. Such physically disabled voter may be examined under oath administered by any inspector as to his disability, and if he knowingly testify falsely, he shall be guilty of perjury and punishable therefor.

#### **Time of voting.**

**Time of voting.**

§ 15. No voter shall remain within the ballot-machine longer than one minute. If he do so, he shall be requested to leave the ballot machine, and if he refuse, he shall be removed, and the inspectors may call for such aid as shall be needed so to do.

#### **Instructing the voter within the ballot machine.**

**Instructing voter.**

§ 16. In case any voter within the ballot machine shall ask the doorkeeper any question concerning the manner of voting, the doorkeeper shall summon another inspector of a party other than his own, and the question shall then be answered in the presence of both such inspectors; but under no circumstances shall advice be given as to how or for whom the voter shall vote.

#### **Canvassing the vote.**

**Canvass of vote.**

§ 17. As soon as the polls are closed, the entrance door of the ballot machine shall be locked. The inspectors shall then, in the presence of the watchers, unlock and open the sliding doors of the counter compartment, only so far as to fully expose the full width of the wire-meshed guard door. The chairman shall read or announce, reading from left to right, the result in an audible voice to the others, as shown by the dials and they shall each and all observe and record the total number of votes registered for each respective candidate and upon each constitutional amendment, question, or other proposition as registered and declared by such ballot machine register, and such ascertainment of the results shall be deemed to be the canvassing of the votes cast at such election. The wire-meshed guard door shall not be unlocked or opened at any time during the

canvass. There shall be no change made in any part of the ballot machine. They shall then close and lock the counter compartment doors and shall observe and record the total number of voters who have voted in the ballot machine by transcribing the number shown by the dials of the public counter.

#### **Certified statement.**

§ 18. Upon the completion of the canvass, the inspectors shall make and sign a written statement thereof, showing the date of the election, number of the district, the town or ward and the county in which it was held, the whole number of votes cast for each office, the whole number cast for each nominee for such office and the whole number cast, respectively, for and against each constitutional amendment, question or other proposition submitted. Copies shall be made and filed and proclamation of the result of the election made as now required by the election law. Certified statement.

#### **Ballot clerk.**

§ 19. No ballot clerks shall be elected or appointed in any town or city that shall have adopted the use of the ballot machine. Ballot clerk.

#### **Election law.**

§ 20. The provisions of the election law not inconsistent with this chapter, shall apply with full force to all towns and cities adopting the use of the ballot machine. Election Law.

#### **Additional ballot machines.**

§ 21. Nothing herein contained shall prevent the use of more than one ballot machine in any polling place during an election. Additional machines.

#### **Mistakes and omissions.**

§ 22. A departure in matters of form or method from those prescribed herein not tending to prejudice the substantial rights of the voter shall be disregarded, and the provisions of this chapter shall be liberally construed to effect the objects of the law. Mistakes, etc.

§ 23. The counties of New York and Kings are excepted from the provisions of this act. Exemption.

# Automatic Ballot Cabinets.

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## FOR TOWNS AND VILLAGES.

### **Purchase and use of automatic ballot cabinets for towns and villages.**

**Purchase and use of machines.**

Hereafter within this state any town or incorporated village may, by a majority vote of the town board, or board of trustees of such village, at a meeting thereof, held not less than ten days before the time of the annual town meeting or village election thereof is to be held, determine upon, purchase and order the use of one or more automatic ballot cabinets at elections of town or village officers; and thereafter at all elections of town officers in said town, or officers of such village, until otherwise determined by said town board or board of trustees of such village said automatic ballot cabinets shall be used for the purpose of voting for the officers to be elected at such elections and for registering and counting the ballots cast thereat. (§ 1 chap. 765, *Laws* 1894.)

### **Form of ballots and canvass of votes.**

**Ballot.**

The ballot by which the elector chooses or votes in said automatic ballot-cabinets shall be in secret, and shall be a cardboard or paper ticket, or emblem, which shall contain written or printed, or partly written or partly printed, the names of the persons for whom the elector intends to vote, and shall designate the office to which each person so named is intended by him to be chosen, and shall not contain any other printed or written device or distinguishing mark, excepting a heading or caption of its political or party designation, of not exceeding five words, and may be of different colors, and if there shall be found in the ballot-boxes more ballots of the respective political parties than were indicated by the automatic registers, such excess of ballots of the respective parties shall be rejected; and the canvassers shall also make a true canvass of all split tickets, and make an accurate return of the votes cast for the respective candidates. The town board or board of trustees of

**Canvass of vote.**

**Regulations for**

such village may make regulations for the use of such ballot cabinets, but such regulations shall require all actions and proceedings of the election officers to be in public in the presence of watchers who may be appointed by the different political parties or candidates thereof, and shall not be inconsistent with law further than may be necessary by reason of the use of such ballot cabinets for the purpose of holding elections, counting and canvassing the ballots thereof.

use of  
cabinets.

In any town or incorporated village wherein any such automatic cabinet has been or may hereafter be adopted, the town board or trustees of such village, may provide in such regulations that the voting precincts or districts therein may be arranged so as to contain not more than eight hundred voters, and all officers of law charged with the duty of arranging for election precincts or districts shall be governed according to such regulations. (§ 2, *chap.* 765, *Laws* 1894. *Thus amended by chap.* 158, *Laws* 1895.)

Voting pre-  
cincts or  
districts.

### **Duty of election officers.**

All election officers are hereby charged with the proper carrying out of necessary regulations for the use of any automatic voting machine provided in their respective towns or villages. (§ 3, *chap.* 765, *Laws* 1894.)

Duty of  
officers.

### **Violations of provisions.**

Any violation of the provisions of this act or any willful attempt to injure or render ineffectual any such automatic voting machine provided in accordance with the provisions of this act shall be deemed a misdemeanor. (§ 4, *chap.* 765, *Laws* 1894.)

Violations.

Publication  
of amend-  
ment, etc.,  
to be sub-  
mitted.

The secretary of state shall cause such proposed amendment to the constitution or other proposition or question, which is by law to be submitted to the electors of the state at a general or special election, to be published for the like period before such election in newspapers selected in like manner, together with a brief statement of the law or proceedings authorizing such submission, the fact that such submission will be made, and the form of the ballot to be voted thereon.

Publication  
for special  
election.

If such proposed amendment or other proposition or question is to be submitted at a special election to be held less than three months from the time of appointing it, the first publication in each newspaper shall be made as soon as practicable after such appointment, and shall continue once in each week to the time of the election. (§ 7, *Election Law*. Thus amended by chap. 810, *Laws* 1895.)

### **Transmission of election laws to clerks and election officers.**

Secretary  
of state to  
furnish  
copies of  
election  
law.

The secretary of state shall, at least sixty days before the first general election held after this chapter takes effect, transmit to the county clerk of each county a sufficient number of copies of this chapter, as amended at the time of the preparation thereof, to furnish one such copy to the county clerk, and one to each town, village and city clerk and to each inspector of election in such county. He shall annually, within sixty days before each general election thereafter, transmit a like number of copies of the statutes amending or repealing any portion of this chapter, and of such other statutes relating to elections passed during each next preceding year, or such new compilations made by him of the statutes relating to elections, as he shall deem advisable, to the county clerk of each county.

Distribu-  
tion by  
county  
clerk.

The county clerk of each county shall forthwith transmit one of each such copies to each such officer in such county. Each copy so received by each such officer shall belong to the office of the person receiving it. Every incumbent of the office shall preserve such copy during his term of office, and upon the expiration of his term, deliver it to his successor. (§ 19, *Election Law*, 1892.)

# ELECTION REGULATIONS.

— — — — —

## Date of general election.

“A general election shall be held annually on the Tuesday next succeeding the first Monday of November.” (§ 2, *Election Law*, chap. 680, *Laws* 1892.)

Date of  
general  
election.

## City elections.

“All elections of city officers, including supervisors and judicial officers of inferior local courts, elected in any city or part of a city, and of county officers elected in the counties of New York and Kings, and in all counties whose boundaries are the same as those of a city, except to fill vacancies, shall be held on the Tuesday succeeding the first Monday in November in an odd-numbered year, and the term of every such officer shall expire at the end of an odd-numbered year. \* \* \* This section shall not apply to any city of the third class, or to elections of any judicial officer, except judges and justices of inferior local courts.” (*Extract*, § 3, *art. 12, State Constitution*.)

City  
elections.

## Times of opening and closing polls of elections.

“The polls of every general election, and unless otherwise provided by law, of every other election, shall open, if in the city of New York, at six o'clock in the forenoon; if elsewhere, at sunrise; and shall close, if in the city of New York, at four o'clock in the afternoon, if elsewhere at sunset. After the polls are open there shall be no adjournment or intermission of the election, until the polls are closed.” (§ 3, *Election Law*, chap. 680, *Laws* 1892, *as amended in* 1894.)

Time of  
opening  
and closing  
polls.

No ad-  
journment  
or inter-  
mission.

## Opening the polls.

“The inspectors of election, poll clerks and ballot clerks of each election district, shall meet at the time duly appointed

Meeting of  
election  
officers.



for opening the polls of each election for which official ballots are required to be provided, at the polling place therein, within the space enclosed by the guard rail, for the purpose of conducting such election.

**Election district.**

**Presiding officers.**

**Ballot clerks.**

**Inspectors to have boxes, ballot-boxes, etc., within rail.**

**Poll list.**

**Opening and distribution of packages of cards, ballots, etc.**

**Unlocking boxes.**

**Watchers may examine.**

**Relocking boxes.**

**Cards, etc., not to be disturbed.**

Within the meaning of this article, the territory in which the voters, entitled to vote at any such polling place resides, shall be deemed an election district; the presiding officers of such election at such polling place shall be deemed inspectors of election of such district, and any inspector or other officer duly designated to distribute official ballots to voters thereof shall be deemed a ballot clerk thereof.

The inspectors of election shall then and there have the ballot-boxes required by law for the reception of ballots to be voted thereat; the sealed packages of official ballots, sample ballots, the box for the reception of spoiled ballots, and for the stubs of voted and spoiled ballots, and instruction cards, and distance markers required to be delivered to them for such election; and if it be an election at which registered voters only can vote, the register of such voters, and the certified copies thereof, required to be made and kept therefor.

Each such poll clerk shall then and there have the book required for keeping the poll-list of such election.

The inspectors shall thereupon open the sealed packages of instruction cards, and cause them to be posted conspicuously, at least one, and if printed in different languages, at least one of each language, in each of the voting booths of such polling place, and at least three of each language in which they are printed, in or about the polling place; shall open the sealed packages of official ballots and sample ballots and place them in charge of the ballot clerks, and shall cause the distance markers to be properly placed. They shall also, before any ballots are cast, unlock the ballot-boxes, see that they are empty, allow the watchers present to examine them and lock them up again while empty, in such manner that the watchers present and persons just outside the guard rail can see that such boxes are empty when they are relocked.

The instruction cards, so posted, and the distance markers shall not be taken down, torn or defaced during such election.

The ballot clerks with the official and sample ballots, the inspectors with such boxes and registry lists, and the poll clerks with their poll-list books, shall be stationed as near each other as practicable within such enclosed space.

Officers,  
how  
stationed.

One of the inspectors shall then make proclamation that the polls of the election are opened, and of the time o'clock in the afternoon when the polls will be closed." (§ 100, *Election Law*. Thus amended by chap. 810, *Laws* 1895.)

Proclama-  
tion of  
opening  
and closing  
polls.

### Form for proclamation of opening the polls.

Hear ye! hear ye! hear ye! The polls of this election is opened, and all persons attending the same are strictly charged and commanded, by the authority and in the name of the people of this state, to keep the peace thereof during their attendance at this election on pain of imprisonment. And all persons are desired to take notice that the polls will be closed at sunset.

Form of  
proclama-  
tion.

### General regulations.

"From the time of such meeting for the purpose of conducting such election, until the announcement of the result of the canvass of the votes cast thereat and the signing of the certificate thereof by the inspectors, such boxes and all the official ballots shall be kept within the guard rail.

Boxes and  
ballots to  
be kept  
within rail.

No person shall be admitted within the guard rail during such period, except such inspectors, poll clerks, ballot clerks, duly authorized watchers, persons admitted by the inspectors to preserve order or enforce the law, persons duly admitted for the purpose of voting, and to assist voters, and in the city of Brooklyn the members of the board of canvassers, and in the city of New York persons lawfully designated by candidates to be present at the canvass of the votes.

Who  
admitted  
within rail.

After such boxes are so relocked, while empty at the opening of the polls, they shall not be unlocked or opened until the closing of the polls of such election, and, except as authorized by law, no ballots or other matter shall be placed in them after they are so relocked and before the announcement of the result of such canvass and the signing of such certificate." (§ 101, *Election Law*, chap. 680, *Laws* 1892. Thus amended by chap. 810, *Laws* 1895.)

Boxes  
not to be  
unlocked.

Placing of  
ballots  
therein.

**Watchers — challengers — electioneering.**

Watchers,  
appoint-  
ment of.

“ Each political party or independent body duly filing certificates of nomination of candidates for offices to be filled at any such election, may, by writing signed by the committee or other similar representative of such political party or independent body or by the chairman thereof, and delivered to one of the inspectors of election, appoint not more than two watchers to attend each polling place thereof. No such committee or representatives for a city, county, town or ward shall appoint watchers for any polling place outside such city, county, town or ward. Such watchers may be present at such polling place, and within the guard-rail, from at least fifteen minutes before the unlocking and examination of any ballot-box at the opening of the polls of such election, until after the announcement of the result of the canvass of the votes cast thereat and the signing of the certificate thereof by the inspectors.

May be  
present at  
polling  
place.

Chal-  
lenger.

A reasonable number of challengers, at least one person of each such party, or independent body, shall be permitted to remain just outside the guard-rail of each such polling place, and where they can plainly see what is done within such rail outside the voting booths, from the opening to the close of the polls thereat.

Election-  
eering.

No person shall, while the polls are open at any polling place, do any electioneering within such polling place, or within one hundred feet therefrom in any public street or room, or in a public manner.

Distance  
markers.

The officers authorized by law to designate the polling places in any town or city shall cause to be placed at a distance of one hundred feet from each polling place the necessary visible marks or barriers designated herein as ‘distance markers’ to prevent electioneering or loitering within such distance.” (§ 102, *Election Law*, chap. 680, *Laws* 1892. *Thus amended by chap. 810, Laws* 1895.)

**Form of certificate of appointment of watchers.**

Form of  
certificate  
of appoint-

At a meeting of the..... committee of the..... party (or independent body) a political party (or independent

body) which has duly filed certificates of nominations of candidates to be filled at the.....election to be held .....189.., the following named persons.....and .....were by virtue of the powers given to the said political organization (or independent body) by § 102 of the Election Law appointed watchers to attend the polling places in the.....election district of the town (or ward) of.....in the county of.....

Witness, the signature of the president (or chairman) and the secretary of the.....committee of said political party (or independent body) this.....day of.....189..

JOHN DOE,

*President (or chairman).*

RICHARD ROE,

*Secretary.*

### **Preservation of order by inspectors at elections and their meetings.**

“All meetings of the board of inspectors shall be public. The said board, and each individual member thereof, shall have full authority to preserve peace and good order at such meetings and around the polls of an election, and to keep the access thereto open and unobstructed, and to enforce obedience to their lawful commands during their meetings. The said board may appoint one or more electors to communicate their orders and directions, and to assist in the performance of their duties in this section enjoined. If any person shall refuse to obey the lawful command of the inspectors, or by disorderly conduct, in their presence, or hearing, shall interrupt or disturb their proceedings, they may make an order directing the sheriff or any constable of the county, or any peace officer, to take the person so offending into custody and detain him until the final canvass of the votes shall be completed, but such order shall not prohibit the person so taken into custody from voting at such election. Such order shall be executed by any sheriff, constable or peace officer to whom the same shall be delivered, but if none shall be present by any other person deputed by such board in writing. The said board, or any member thereof, may order the arrest of any person other than an election officer, violating, or attempting to violate, any of the provisions of this election code.” (§ 16, *Election Law of 1892, as amended by chap. 275, Laws 1894.*)

ment of  
watchers.

Meetings,  
public.

Preserva-  
tion of  
order.

Order, in  
case of re-  
fusal to  
obey com-  
mands.

Order, how  
executed.

**Form of precept in case of refusal to obey the lawful commands of the inspectors.**

(Blank precepts should be provided beforehand and be in possession of the board ready to be filled up for use.)

Form of  
precept in  
case of re-  
fusal to  
obey com-  
mands.

“The people of the State of New York to the sheriff of the (city and) county of. . . . ., or the constable of said (city or) county :

Whereas, at the present annual (or special) election, held in and for election district number. . . . , in the town of. . . . . (or in the. . . . . ward of the city of. . . . .), or said county, James Jackson did willfully and intentionally obstruct the passage-way to the polls of the said election, thereby hindering and preventing free access to the said poll, in open and known violation of the command of us, the undersigned, inspectors of this election, previously and publicly given in his hearing. You are, therefore, hereby ordered forthwith to arrest the said James Jackson, and him safely keep and detain in custody until the final canvass of the votes given in this election district shall be completed.

Given under our hands and seals this. . . day of. . . . ., 18..”

**Form of deputation to be written on back of precept in case no sheriff or constable is present.**

Form of  
deputation.

“No sheriff or constable being present we hereby depute A B to execute the within process.”

**Form of precept. In case of disorderly conduct in presence or hearing of inspectors.**

Form of  
precept in  
case of  
disorderly  
conduct.

“The people of the state of New York to the sheriff of the (city and) county of. . . . ., or to any constable of said county :

Whereas, at the present annual (or special) election, held in and for election district number. . . . in the town of. . . . . (or in the. . . . ward of the city of. . . . .), in said (city and) county, James Jackson, in the presence (or in the hearing) of us, the undersigned inspectors of the said election, did by disorderly conduct, to wit, by (here describe the misconduct particularly, as by loud and boisterous noises, or by violent stamping, or by assaulting A. B., etc., or by commencing a riot and affray with divers persons, or as the case may be) interrupt and disturb the proceedings of us, the said inspectors, in conducting the election. You are, therefore, hereby ordered forthwith to arrest the said James Jackson,

and him safely detain in custody until the final canvass of the votes given in this election district shall be completed.

Given under our hands and seals, this . . . day of . . . , 18. .”

**General duties of ballot clerks.**

In addition to the duties hereinbefore enjoined upon them, the ballot clerks shall deliver official ballots to the voters in such order that the numerical order of the numbers printed on the stubs of the ballots so delivered, shall be the same as the order of the successive deliveries thereof to the voters, the ballot numbered one on the stubs being first delivered and so on. If, in addition to the official ballots containing the printed names of candidates for public office, there shall be a second official ballot containing a proposed constitutional amendment or other proposition or question, the ballots shall be delivered to the voters in such order that the numbers upon the stubs of all ballots delivered to the same voter at the same time shall correspond. If, in a case where more than one ballot is to be voted, the voter shall spoil one ballot of either sort, and shall be entitled to receive a new ballot under the provisions of this act, he shall return both the spoiled ballot and the other ballots bearing the same number to the ballot clerks before new ballots are furnished to him. They shall upon the delivery of official ballots to each voter announce the voter's name, the number printed on the stub of each ballot so delivered, and if in a city, or village having a population of five thousand or more, the voter's residence by street and number, or if it have no street number a brief description of the locality thereof. Upon the return of a set of ballots to them unvoted by any voter they shall announce the name of the voter returning them and the printed number on the stub of the ballots so returned. They shall at once remove the stub from such ballot returned to them by voters and shall not again deliver any such returned ballots to a voter. Such returned ballot shall be deposited in the box for spoiled ballots. They shall place all detached stubs in the box for detached stubs. They shall immediately upon the closing of the polls at such election, prepare and sign a written statement

Delivery of  
ballots to  
voters.

Return of  
spoiled  
ballots.

Announce-  
ment upon  
delivery of  
ballots.

Duty upon  
return of  
ballots.

Statement  
of ballots  
delivered,  
etc.

Delivery  
and return  
of unvoted  
ballots, etc.

showing the number of full sets of official ballots delivered by them to voters, the number of such sets returned to them, the number of such sets not delivered by them to the voters, and the number of sets of detached stubs placed in the box for detached stubs; and shall inclose all such ballots not delivered to voters, and all such detached stubs, in sealed packages, and deliver them, together with such written statement, if in the city of Brooklyn, to the chairman of the board of canvassers, and if elsewhere to the chairman of the board of inspectors. (§ 106, *Election Law, chap. 680, Laws 1892. Thus amended by chap. 810, Laws 1895.*)

Form of  
certificate.

**Form of ballot clerk's certificate of ballots delivered, etc.**

[To be filed with the county clerk, or officer or board which prepared the ballots voted.]

This is to certify that at the general (city, village or town, as the case may be) election, held in and for the . . . . . election district of . . . . . in the town of . . . . . in the county of . . . . ., on . . . . ., 189.. (or of the . . . . . ward of the city of).

The number of full sets of official ballots delivered to voters was . . . . .  
The number of such sets returned was . . . . .  
The number of such sets not delivered to voters was . . . . .  
The number of sets of detached stubs placed in box for detached stubs was . . . . .  
(Signed) . . . . .  
Dated . . . . . *Ballot Clerks.*

**General duties of poll clerks.**

Form of  
poll list.

“ Each poll clerk at each polling place for which official ballots are required to be provided, shall have a book for keeping the poll-list thereof, containing columns headed respectively, ‘Numbers on ballots,’ ‘Number of voters,’ ‘Names of voters’ and ‘Residence of voters.’ If there shall be an additional ballot box for votes cast upon a proposed constitu-

tional amendment or other proposition or question, for which separate ballot boxes are provided, as prescribed by this act, there shall be an additional column in each poll-list book for each ballot box, headed with the number and other designations thereof. Upon each delivery of an official ballot or a set of official ballots by the ballot clerks to a voter, each poll clerk shall enter upon his poll-list, in the appropriate columns, the printed number upon the stubs of the ballots so delivered, the number of the voter, the name of the voter, in the alphabetical order of the first letter of his surname, and the residence of the voter by street and number, or if it have no street number, a brief description of the locality thereof. If the ballot or set of ballots delivered to any voter shall be returned by him to the ballot clerks, the ballot number thereof, so entered on the poll-list, shall be canceled by drawing a mark through it, leaving the number still legible, and upon the delivery of each additional ballot or set of ballots by the ballot clerks to the same voter, the poll clerk shall add opposite the name of such voter on the poll-list, in the proper column, the printed number on the stubs of such additional ballot or set of ballots. Each poll clerk shall designate upon his poll-list, every person entered upon his list, who shall have been challenged and taken either of the oaths upon such challenge, or who shall have received assistance in preparing his ballot, by some appropriate mark or entry opposite the name of each such person, and shall also enter upon his poll-list the name and residence of the person who renders such assistance, and a brief statement of the facts sworn to by the person assisted. As each voter offers his ballot or set of ballots to the inspectors, each poll clerk shall report to the inspector whether the number entered on the poll-list kept by him, as the number on the stub of the ballot or set of ballots last delivered to such voter, is the same as the number on the stub of the ballot or set of ballots so offered. As each voter votes, each poll clerk shall check the name of such voter on his poll-list and if there be more than one ballot box for the reception of votes cast, shall enter a check in each column headed to correspond to each ballot box into which a ballot of such voter is deposited.

Entries therein upon delivery of ballots.

Proceedings upon return of ballots by voter.

Memo-randa as to challenges and assistance to voters.

Report of numbers on stubs upon offer to vote.

Check marks on list.



Delivery of  
lists at close  
of polls.

Upon the close of the polls of the election, the poll clerks shall deliver such poll-lists to the chairman of the board of inspectors thereof." (§ 107, *Election Law*. Thus amended by chap. 810, *Laws* 1895.)

Form of  
poll list.

Form of poll list. Sample of alphabetical page.

Number of voters.	Numbers on ballots.	Names of voters.	Residence of voters.†	Box.		Memoranda.
				General ballots.	Questions submitted.	
1	*400 399	✓ Adams, John.....	4000 Swan st...	✓ 1	....	Challenged.
2	68	✓ Anthony, Smith J.	Albany .....	✓ 1	✓ 1	
3	60	✓ Andrews, William.	369 State street.	✓ 1	....	Blind, as- sisted by
4	100	✓ Archer, Frank J..	736 Madison av.	✓ 1	✓ 1	

The check marks opposite the names and in each column headed to correspond to each ballot-box should be placed on the poll list as soon as the voter votes.

Upon the close of the polls the poll list to be delivered to the chairman of board of inspectors.

General duties of inspectors in connection with the balloting.

Designa-  
tion of in-  
spector to  
receive  
ballots.

Announce-  
ment  
whether  
voter is  
registered.

"One of the inspectors of election of each polling place, while the polls of an election thereat are open, shall be designated by the inspectors of election to receive the ballots from the voters voting; or if the majority of the inspectors shall not agree in such designation, they shall draw lots for such position. If it be an election for which voters are required to be registered, the other inspectors shall, before any ballots are delivered by the ballot clerks

\* If the set of ballots delivered is returned the ballot number thereof so entered on the poll list, shall be canceled, by drawing a mark through it, leaving the number still legible.

† Residence by street and number or brief description of locality.

to a voter, ascertain whether such voter is duly registered, and so announce to the ballot clerks, who shall not deliver any ballots to such voter until such inspectors announce that such voter is registered. Upon each delivery of ballots to a voter, such inspectors shall enter opposite the name of such voter upon the register and in each of the certified copies thereof, the number printed on the stubs of the ballots of each set so delivered, canceling any previous number so entered, without rendering it illegible. As each person, so registered, votes, they shall check his name upon such register, and upon each of the three certified copies thereof. The inspectors shall, forthwith upon detaching the stubs from any official ballots, deliver such detached stubs to the ballot clerks." (§ 108, *Election Law. Thus amended by chap. 810, Laws 1895.*

Entry upon registers upon delivery of ballots.

Check mark upon voting.

Delivery of detached stubs.

**Removal, mutilation or destruction of election supplies, poll-lists or cards of instruction.**

"Any person who:

1. During an election or town meeting, willfully defaces or injures a voting booth or compartment, or willfully removes or destroys any of the supplies or other conveniences placed in the voting booths or compartments in pursuance of law; or,

Penalty for destruction of supplies, etc.

2. Before the closing of the polls, willfully defaces or destroys any list of candidates to be voted for at such election or town meeting, posted in accordance with the election law; or,

3. During an election or town meeting, willfully removes or defaces the cards for the instruction of voters, posted in accordance with the election law, is guilty of a misdemeanor." (§ 41e, *Penal Code, as amended in 1894.*)

**Delivery of ballots to voters.**

"While the polls of such election are open, the voters entitled to vote and who have not previously voted thereat may enter within the guard rail of the polling place of such election, for the purpose of voting, in such order that there shall not at any time be within such guard rail more than twice as many voters

Entry of voters within guard rail.

Announce-  
ment of  
name, etc.,  
by voter.

Delivery of  
folded bal-  
lots to  
voter.

as there are voting booths thereat, besides the persons lawfully within such guard rail for other purposes than voting. Voters shall enter within the guard rail through the entrance provided for that purpose. Upon entering the voter shall forthwith proceed to the ballot clerks, and give his name, and, if in a city, or village of five thousand inhabitants or over, his residence by street and number, or if it have no street number a brief description of the locality thereof, and if required by the inspectors thereat, shall state whether he is over or under twenty-one years of age. One of the ballot clerks shall thereupon announce the name and residence of the voter in a loud and distinct tone of voice; if such voter is entitled to vote thereat, and is not challenged, or if challenged and the challenge be decided in his favor, one of the ballot clerks shall then deliver to the voter one official ballot or a set of official ballots folded in the proper manner for voting, which is first crosswise by bringing the bottom of each ballot up to the perforated line, and then folding both sides to the center, or towards the center, in such manner that when folded the face of each ballot shall be concealed, and the printed number on the stub and the indorsement on the back of the ballot shall be visible, so the stub can be removed without removing any other part of the ballot, and without exposing any part of the face of the ballot below the stub, and so that when folded the ballot shall not be more than four inches wide. No person other than an inspector or ballot clerk shall deliver to any voter within such guard rail any ballot, and they shall deliver only such as the voter is legally entitled to vote, and also the sample ballot when the same is asked for." (§ 103, *Election Law*. Thus amended by chap. 810, *Laws* 1895.)

### **Preparation of ballots by voters.**

Voter to  
retire to  
booth.

Occupation  
of booth.

"On receiving his ballot the elector shall forthwith, and without leaving the inclosed space, retire alone to one of the voting booths, and without undue delay, unfold and mark his ballot as hereafter described. No elector shall be allowed to occupy a booth already occupied by another, or to occupy a booth more than five minutes in case all the booths are in use and

electors waiting to occupy the same, or to speak to or converse with anyone, except as herein provided, while within the guard rail. It shall not be lawful to make any mark upon the official ballot other than the cross (X) mark with a pencil having black lead, as hereinafter provided, or to mark, deface or tear a ballot, in any manner, for the purpose of identifying the same; or to erase any printed device, figure or word therefrom, or to write anything thereon other than the name of a person for whom the voter desires to vote, which is not printed on the ballot, and that only in the blank column under the proper title of the office; and any ballot from which there shall have been erased any device, figure or word, or upon which there shall be written any word or words other than the name of a candidate, as above provided, shall be wholly void and shall not be counted. All marks upon the ballot must be made by pencil having black lead. If an elector soil or deface a ballot so that it cannot be used, he may successively obtain others, one at a time, not exceeding in all three, upon returning each ballot so soiled or defaced, to the ballot clerks, which ballot so returned shall be immediately detached from the stub by one of the ballot clerks and an entry of such fact made on the poll-list opposite the voter's name and the ballot placed in the box for spoiled ballots, and the stub in the box for detached stubs. The elector shall observe the following rules in marking his ballots:

Unlawful to mark or deface ballots.

Certain ballots not to be counted.

Spoiled ballots, replacing of.

1. If the elector desire to vote a straight ticket, or in other words for each and every candidate of one party for whatever office nominated, he shall either,

How to vote a straight ticket.

(a) Make a cross (X) mark in the circular space below the device and above the name of the party at the head of the ticket; or,

(b) Make a cross (X) mark on the left of and opposite the name of each and every candidate of such party in the blank space provided therefor,

2. If the elector desire to vote a mixed ticket, or in other words, for candidates of different parties, he shall, either,

How to vote a mixed ticket.

(a) Omit making a cross (X) mark in the circular space above the name of any party, and make a cross (X) mark in

the blank space before the name of each candidate for whom he desires to vote on whatever ticket he may be ; or,

(b) Make a cross (X) mark in the circular space above the name of a party, some of whose candidates he desires to vote for, and then make a cross (X) mark before the name of any candidate of any other party for whom he may desire to vote ; in which case, the cross (X) mark in the circular space above the name of a party will cast the elector's vote for every candidate on the ticket of such party, except for offices for which candidates are marked on other party tickets, and the cross (X) marks before the names of such candidates will cast the elector's vote for them ; provided, that where two or more persons for the same office are to be voted for in any election district, as two or more representatives in congress or other officers, and the names of several candidates therefor appear on any party ticket grouped under the office for which all are running, the elector who has marked a ticket in the circular space at its head, and marked one or more of a group of candidates for such office on another ticket or tickets, must in addition to marking the ticket in the circular space at its head, also make a cross (X) mark before each one of the group of candidates for such office for whom he desires to vote on the ticket thus marked ; and, provided, further, if an elector who has thus marked a party ticket in the circular space at the head thereof and marked one or more candidates on another ticket or tickets for an office for which there are more than one candidate on his own party ticket, fail or neglect to indicate by individual marks as aforesaid, which of the several candidates for the same office on his own party ticket he desires to vote for, then and in such event, the vote shall be counted only for the candidate or candidates for that office that have the distinguishing mark before his or their names. If, in marking either a straight or mixed ticket as above defined, a cross (X) mark is made in the circular space above the name of a party at the head of the ticket, and also one or more cross (X) marks made before the name or names of candidates on the same ticket for offices for which candidates on other party tickets are not individually marked, such marks before the names of candidates

Proviso  
where two  
or more  
persons are  
to be voted  
for.

Proviso as  
to counting  
votes.

Certain  
marks to be  
treated as  
surplusage.

on the ticket so marked, shall be treated as surplusage and ignored, and the ballot be counted for all the candidates on the ticket thus marked for offices for which no candidates on other tickets are marked ; but this provision is subject to the exception in the proviso in the last paragraph, where two or more persons for the same office are grouped on party tickets. In the case of a question submitted, the elector shall make a cross (X) mark in the blank space on the right of and after the answer which he desires to give. If the elector desires to vote for any person whose name does not appear on the ticket, he can substitute the name by writing it with pencil having black lead in the proper place, in the blank column on the right of the ballot, and making a cross (X) mark in the blank space at the left of the name so written. If the elector mark more names than there are persons to be elected to an office, or if for any reason, it is impossible to determine the voter's choice for an office to be filled, his ballot shall not be counted for such office. No ballot shall be rejected for any technical error which does not make it impossible to determine the voter's choice. If there should be no nomination for a particular office by any political party, or if by inadvertence, or otherwise, the name of a candidate regularly nominated by such party should be omitted from the ballot, and the elector desires to vote for some one to fill such office, he may do so by writing the name of the person for whom he desires to vote in the space underneath the heading or designation of such office in the blank column on right of the ballot, and making a cross (X) mark before the name so written." (§ 104, *Election Law*. Thus amended by chap. 810, *Laws* 1895.)

How to  
vote on  
questions  
submitted.

How to  
vote for  
persons not  
on ticket.

Certain  
votes not to  
be counted.

Not to be  
rejected  
for techni-  
cal errors.

How to  
vote when  
no nomina-  
tions made  
or names  
omitted.

**How to vote a straight ticket.**

1. Either make a cross (x) mark in the circular space below the device, as per illustration No. 2,
2. Or make a cross (x) mark on the left of and opposite the name of each and every candidate, as per illustration No. 1.

**Illustration No. 1.****Illustration No. 2.**

Device.		Device.		Device.	
Republican Ticket.		Democratic Ticket.		Prohibition Ticket.	
X	For Secretary of State, John Palmer.		For Secretary of State, Frank Rice.		For Secretary of State, Joseph A. Bogardus.
X	For Comptroller, James A. Roberts.		For Comptroller, Frank Campbell.		For Comptroller, George T. Chester.
X	For Treasurer, Addison B. Colvin.		For Treasurer, Elliot Danforth.		For Treasurer, William R. Hunt.
X	For Attorney-General, Theodore E. Hancock.		For Attorney-General, Simon W. Rosendale.		For Attorney-General, Edwin A. English.
X	For State Engineer and Surveyor, Campbell W. Adams.		For State Engineer and Surveyor, Martin Schenck.		For State Engineer and Surveyor, Chester Belding.
X	For Judge of Court of Appeals, Edward T. Bartlett.		For Judge of Court of Appeals, Isaac H. Maynard.		For Judge of Court of Appeals, Selden W. Marvin.
X	For Justice of Supreme Court, John T. McDonough.		For Justice of Supreme Court, D. Cady Herrick.		For Justice of Supreme Court, James W. Bentley.
X	For Senator, Vreeland H. Youngman.		For Senator, Amasa J. Parker.		For Senator, Fred. F. Wheeler.
X	For Member of Assembly, Patrick H. McCormack.		For Member of Assembly, Jacob L. Ten Eyck.		For Member of Assembly, Isaac Lagrange.

**How to vote a mixed or split ticket.****Illustration "A."**




Make a cross (X) mark in the blank space before the name of each candidate for whom you desire to vote, on whatever ticket he may be, and do not make a cross (X) mark in circular space, as per illustration below.

Device.	Device.	Device.
<b>Republican Ticket.</b>	<b>Democratic Ticket.</b>	<b>Prohibition Ticket.</b>
X For Secretary of State, John Palmer.	For Secretary of State, Frank Rice.	For Secretary of State, Joseph A. Bogardus.
X For Comptroller, James A. Roberts.	For Comptroller, Frank Campbell.	For Comptroller, George T. Chester.
For Treasurer, Addison B. Colvin.	X For Treasurer, Elliot Danforth.	For Treasurer, William R. Hunt.
X For Attorney-General, Theodore E. Hancock.	For Attorney-General, Simon W. Rosendale.	For Attorney-General, Edwin A. English.
For State Engineer and Surveyor, Campbell W. Adams.	For State Engineer and Surveyor, Martin Schenck.	X For State Engineer and Surveyor, Chester Belding.
For Judge of Court of Appeals, Edward T. Bartlett.	X For Judge of Court of Appeals, Isaac H. Maynard.	For Judge of Court of Appeals, Selden W. Marvin.
X For Justice of Supreme Court, John T. McDonough.	For Justice of Supreme Court, D. Cary Herrick.	For Justice of Supreme Court, James W. Bentley.
X For Senator, Vreeland H. Youngman.	For Senator, Amasa J. Parker.	For Senator, Fred. F. Wheeler.
X For Member of Assembly, Patrick H. McCormack.	For Member of Assembly, Jacob L. Ten Eyck.	For Member of Assembly, Isaac Lagrange.



**How to vote a mixed or split ticket.****Illustration "B."**

Make a cross (X) mark in the circular space above the name of party, some of whose candidates you desire to vote, and then make a cross (X) mark before the name of any candidate of any other party for whom you desire to vote, as per illustration below.

Device.	Device.	Device.
		
<b>Republican Ticket.</b>	<b>Democratic Ticket.</b>	<b>Prohibition Ticket.</b>
For Secretary of State, John Palmer.	For Secretary of State, Frank Rice.	For Secretary of State, Joseph A. Bogardus.
For Comptroller, James A. Roberts.	For Comptroller, Frank Campbell.	For Comptroller, George T. Chester.
For Treasurer, Addison B. Colvin.	For Treasurer, Elliot Danforth.	For Treasurer, William R. Hunt.
For Attorney-General, Theodore E. Hancock.	For Attorney-General, Simon W. Rosendale.	For Attorney-General, Edwin A. English.
For State Engineer and Surveyor, Campbell W. Adams.	X For State Engineer and Surveyor, Martin Schenck.	For State Engineer and Surveyor, Chester Belding.
For Judge of Court of Appeals, Edward T. Bartlett.	For Judge of Court of Appeals, Isaac H. Maynard.	For Judge of Court of Appeals, Selden W. Marvin.
For Justice of Supreme Court, John T. McDonough.	For Justice of Supreme Court, D. Cady Herrick.	X For Justice of Supreme Court, James W. Bentley.
For Senator, Vreeland H. Youngman.	For Senator, Amasa J. Parker.	For Senator, Fred. F. Wheeler.
For Member of Assembly, Patrick H. McCormack.	For Member of Assembly, Jacob L. Ten Eyck.	X For Member of Assembly, Isaac Lagrange.

**Manner of voting.**

When the ballot or ballots which a voter has received shall be prepared as provided in section one hundred and four of this act, he shall leave the voting booth with his ballot folded so as to conceal the face of the ballot, but show the indorsement and fac simile of the signature of the official on the back thereof and keeping the same so folded shall proceed at once to the inspector in charge of the ballot-box and shall offer the same to such inspector. Such inspector shall announce the name of the voter and the printed number on the stub of the official ballot so delivered to him, in a loud and distinct tone of voice. If such voter be entitled then and there to vote and be not challenged, or if challenged, the challenge be decided in his favor, and if his ballot or ballots are properly folded and have no mark or tear visible on the outside thereof, except the printed number on the stub and the printed indorsement on the back and if such printed number is the same as that entered on the poll-lists as the number on the stub or stubs of the official ballot or set of such ballots last delivered to him by the ballot clerks, such inspector shall receive such ballot or ballots and after removing the stub or stubs therefrom, in plain view of the voter, and without removing any other part of the ballot and without unfolding the ballot or in any way exposing any part of the face thereof below the stub, shall deposit each ballot in the proper ballot-box for the reception of voted ballots; the stubs shall be deposited in the box for detached ballot stubs. Upon voting, such voter shall then forthwith pass outside the guard rail, through the exit provided for such purpose, unless he be one of the persons authorized to remain within the guard rail for other purposes than voting. No official ballots however folded shall be unfolded outside of the voting booths. Every elector who does not vote a ballot delivered to him by the ballot officer shall, before passing outside of the guard rail, return such ballot

Voter to offer folded ballots to inspector.

Inspector to announce name, etc.

To receive ballots.

Removal of stubs and deposit of ballots in box.

Voter to pass outside of rail.

Ballots not be unfolded outside of booths.

Return of ballots not voted.

Assistance  
for dis-  
abled and  
illiterate  
voters.

to such officer, and he shall not again return within the guard rail. Any voter who shall, at the time of registration, have made oath of physical disability or illiteracy as prescribed by the second subdivision of section thirty-two of this act, or any voter who, being duly registered, in an election district where personal registration of all voters is required by law, shall state under oath to the inspectors of election on the day of election that by reason of some accident, the time and place of which he must specify, or of disease, the nature of which he must also specify, he has since the day upon which he registered lost the use of both hands, or become totally blind, or so crippled that he can not enter the voting booth and prepare his ballot without assistance; or any voter in an election district who is not required by law to personally register, who is unable to write by reason of illiteracy or is physically disabled in one or more ways described in the second subdivision of section thirty-two of this act, and who shall make the statement under oath to the inspectors, in the form required in said subdivision two of section thirty-two of this act, may choose two of the election officers, both of whom shall not be of the same political faith, to enter the booth with him, to assist him in preparing his ballots, and such election officers assisting a voter shall not in any manner request or seek to persuade or induce any such voter to vote any particular ticket or for any particular candidate, and shall not keep or make any memoranda or entry of anything occurring within such booth, and shall not, directly or indirectly, reveal to any other person the name of any candidate voted for by such voter, or which ticket he has voted, except they be called upon to testify in a judicial proceeding for a violation of this act, and each election officer before opening the polls for the election shall make oath that he "will not in any manner request, or seek to

Officers  
assisting  
prohibited  
from cer-  
tain acts.

Oath to be  
taken be-  
fore open-  
ing of polls.

persuade, or induce any voter to vote any particular ticket or for any particular candidate, and that he will not keep or make, any memoranda, or entry of anything occurring within the booth, and that he will not, directly or indirectly, reveal to any person the name of any candidate voted for by any voter, or which ticket he has voted, or anything occurring within the voting booth, except he be called upon to testify in a judicial proceeding for a violation of the election law," and any violation of this provision shall be a felony punishable upon conviction by imprisonment in a state prison for not less than two or more than ten years. No voter shall otherwise ask or receive the assistance of any person within the polling place in the preparation of his ballot or divulge to any one within the polling place the name of any candidate for whom he intends to vote or has voted. No ballot without the official indorsement shall be allowed to be deposited in the ballot box except as provided by section eighty-nine of the election law and one hundred and nine of this act, and none but ballots provided in accordance with the provisions of this act shall be counted. No official ballot folded shall be unfolded outside the voting booth. No person to whom any official ballot shall be delivered shall leave the space within the guard rail until he shall deliver back all such ballots either to the inspectors, or to the ballot clerks. When a person shall have received an official ballot from the ballot clerks, as hereinbefore provided, he shall be deemed to have commenced the act of voting, and if, after receiving such official ballot he shall leave the space inclosed by the guard rail before the deposit of his ballot in the ballot box as hereinbefore provided, he shall not be entitled to pass again within the guard rail for the purpose of voting or to receive any further ballots. (§ 108, *Election Law*. Thus amended by chap. 810, *Laws* 1895.)

Penalty for violations.

Other assistance prohibited.

Unindorsed ballots not to be deposited.

Ballots not to be unfolded.

To be delivered back.

Voters not to pass again within rail.

**Physical disability — voter taking oath entitled to assistance.**

Entitled to assistance.

“A voter taking the physical disability oath is entitled to the assistance provided.” (*Opinion Attorney-General.*)

**Physical disability — inspectors not judges of kind or extent of disability.**

Inspectors not judges.

“The inspectors of election do not seem to be made, in any way by this statute, the judges of the kind or extent of the ‘physical disability’ with which the voter is inflicted.

Voter must take oath.

“The voter himself must, however, declare, under oath, that by reason thereof ‘he is unable to prepare his ballot without assistance.’ This is quite analogous to the requirements of the general election laws of the state, that the voter when challenged may take the ‘general oath,’ and if he persists in his claim to vote, the court of appeals has held that it is imperative on the inspectors to receive the vote and deposit the same in the ballot box. (*See People v. Pease*, 27 N. Y. 53; *Goetcheus v. Matthewson et al.*, 61 id. 420.)

Statute complied with if voter insists.

“The statutory provision cited is a new one, but the question suggested is one frequently asked and will necessarily arise before the inspectors of election on election day, and while the construction above indicated may not be entirely free from doubt, yet after the best consideration which I have been able to give the matter I am of the opinion that the statute will be complied with, if the voter so insists, by taking the oath provided.

Liability of voter.

“The voter must, however, see to it that this declaration is not false, in fact, for if it is he is liable to be prosecuted for perjury; and while we may admit that the inspectors would have no right to inquire into the truth or falsity of the voter’s declaration, no such objection exists to the qualifications or

authority of a grand jury to make this inquiry." (*Opinion Attorney-General.*)

**Oath to be taken by election officers before opening of the polls.**

Oath of election officers.

[See § 108, page 128.]

STATE OF NEW YORK, }  
COUNTY OF..... } ss.:

I do solemnly swear (or affirm) that I will not in any manner request, or seek to persuade, or induce any voter to vote any particular ticket or for any particular candidate, and that I will not keep or make any memoranda or entry of anything occurring within a voting booth, and that I will not directly or indirectly reveal to any person the name of any candidate voted for by any voter, or which ticket he has voted, or anything occurring within the voting booth except I be called upon to testify in a judicial proceeding for a violation of the election law.

Subscribed and sworn to before me }  
this .... day of ..... 189 .. }

The above oath should be taken before a notary public or other officer authorized to administer oaths.

It would seem to be good practice if the same should be filed in the office of the town or city clerk as evidence of the fact that the statute has been complied with.

**Form of oath to be administered to illiterate voter.**

Oath for illiterate voter.

You do solemnly swear (or affirm) that you are unable to write by reason of illiteracy.

**Forms of oaths to be administered to disabled voters.**

Oath for disabled voter.

1. "You do solemnly swear (or affirm) that you will be unable to enter the voting booth without assistance, because ..... (Insert specific disease or crippled condition)."

2. "You do solemnly swear (or affirm) that you will be unable to prepare your ballots without assistance, because ..... (Insert specific cause or reason assigned)."

Statement  
by voter.

**Form for statement under oath by voter who, by reason of accident or disease since the day of his registering, has become physically disabled.**

Prelimi-  
nary oath.

" You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you, touching your inability to enter the voting booth or prepare your ballot without assistance?

Questions.

What is your name?

Where do you reside?

(*If disabled by an accident.*)

What accident has occurred to you since the day upon which you registered as a voter in this election district?

Where and when did such accident occur?

State the time and place.

(*If disabled by disease.*)

What disease have you had since the day upon which you registered as a voter that renders you unable to enter the voting booth and prepare your ballot without assistance?

After answering the foregoing questions the inspectors should administer the proper oath in the form before provided for disabled voters.

### **When unofficial ballots may be voted.**

In case  
ballots not  
supplied or  
supply  
exhausted.

" If, for any cause, the official ballots shall not be provided as required by law at any polling place, upon the opening of the polls at an election thereat, or if the supply of official ballots shall be exhausted before the polls are closed, unofficial ballots, printed or written, made as nearly as practicable in the form of the official ballots, may be used." (§ 109, *Election Law*. Thus amended by chap. 810, *Laws* 1895.)

### **Challenge, preliminary oath and examination.**

When per-  
son may be  
challenged.

" A person may be challenged either when he applies to the ballot clerks for official ballots, or when he offers to an inspector the ballot he intends to vote, or previously by notice to that effect to an inspector, by any elector. The name of the person challenging shall not be disclosed by an election officer unless required by a court or a judicial officer. It shall be the duty of each inspector to challenge every person offering to vote, whom he shall know or suspect not to be duly qualified as an elector. If any person offering to vote at any election shall be challenged in relation to his right to vote thereat, one of the inspectors shall tender to him the following

Name of  
challenger  
not to be  
disclosed.

Duty of  
inspector.

Prelimi-  
nary oath.

preliminary oath: ‘*You do swear (or affirm) that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector.*’ The inspectors or one of them shall then question the person challenged in relation to his name; his place of residence before he came into that election district; his then place of residence; his citizenship; whether he be a native or naturalized citizen, and if the latter, when, where, and in what court, or before what officer he was naturalized; whether he came into the election district for the purpose of voting at that election; how long he contemplates residing in the election district; and all other matters which may tend to test his qualifications as a resident of the election district, citizenship and right to vote at such election at such polling place. If any person shall refuse to take such preliminary oath when so tendered, or to answer fully any such question which shall be put to him, his vote shall be rejected. After receiving the answer of the person so challenged, the board of inspectors shall point out to him the qualifications, if any, in respect to which he shall appear to them deficient.” (§ 110, *Election Law, chap. 680, Laws 1892.*)

Form of preliminary oath.

Examination of person challenged.

Rejection of vote upon refusal.

Board to point out qualifications.

### Form of questions under preliminary oath.

1. What is your name?
2. What is your age?
3. Where do you now reside? State as precisely as you are able the particular locality of your place of residence.
4. How long have you resided in this election district?
5. What was your last place of residence before you came into this election district?
6. How long have you resided in this county?
7. How long have you resided in this state?
8. Are you a native or naturalized citizen?  
*If a naturalized citizen.*
9. When were you naturalized?
10. Where and in what court, or before what officer.
11. How long have you resided in the United States?
12. Did you come into this election district for the purpose of voting at the next ensuing election?

Form of questions.



13. How long do you contemplate residing in this election district?

14. Have you made any bet or wager, or are you directly or indirectly interested in any bet or wager depending on the result of the next ensuing election?

15. Have you received, or offered to receive, or do you expect to receive, any money or other valuable thing as a compensation or reward for giving your vote at the next ensuing election?

15. Have you paid, offered or promised to pay, contributed, offered or promised to contribute, to another, to be paid or used, any money or other valuable thing, or made any promise, to influence the giving or withholding of any vote at the next ensuing election?

17. Have you been convicted of bribery or any infamous crime, or, if convicted, have you been pardoned and restored to all the rights of citizenship?

Additional questions.

In addition, such other questions may be asked which may tend to test the qualifications of the person offering to vote as a resident of the election district, citizenship and right to vote at such polling place.

### General oath on challenge.

General oath, if voter persists.

"If the person so offering to vote, shall persist in his claim to vote, and the challenge shall not be withdrawn, one of the inspectors shall then administer to him the following oath: '*You do swear (or affirm) that you are twenty-one years of age, that you have been a citizen of the United States for ten\* days, and an inhabitant of this state for one year next preceding this election, and for the last four months a resident of this county, and for thirty days a resident of this election district, and that you have not voted at this election.*'"

Additional oath as to bribery, etc.

If the person so offering to vote shall be challenged for causes stated in section two of article two of the constitution of this state the following additional oath shall be administered by one of the inspectors: "*You do swear (or affirm) that you have not received or offered, do not expect to receive, have not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any*

\* Changed to ninety days by section 1, article 2 of the Constitution.

money or other valuable thing as a compensation or reward for the giving or withholding a vote at this election, and have not made any promise to influence the giving or withholding of any such vote; and that you have not made, or become directly or indirectly interested in any bet or wager depending upon the result of this election."

If the person so offering shall be challenged on the ground of having been convicted of bribery or any infamous crime, the following additional oath shall be administered to him by one of the inspectors: "*You do swear (or affirm) that you have not been convicted of bribery or any infamous crime, or if so convicted, that you have been pardoned and restored to all the rights of a citizen.*"

Additional oath as to conviction of crime.

If any person shall refuse to take either oath so tendered, his vote shall be rejected." (§ 111, *Election Law, chap. 680, Laws 1892.*)

Rejection of vote upon refusal.

#### Challenges — powers of inspectors.

"Inspectors of election have no judicial powers authorizing them to reject the vote of any person offering same who complies with the statutory tests" (*Opinion Attorney-General.*)

No judicial power to reject vote, etc.

#### Challenges — naturalization papers.

"Inspectors of election cannot require a foreign-born voter to produce his naturalization papers." (*Opinion Attorney-General.*)

Cannot require production of papers.

#### Challenges — voters taking oath entitled to vote.

"Voters answering the questions and taking the oath prescribed are entitled to vote." (*Opinion Attorney-General.*)

Voters entitled to vote.

#### Challenges — voters must take oath.

"A person whose right to vote is challenged on election day must take the oath required by law, notwithstanding any oath he may have taken to procure the registration of his name." (*Opinion Attorney-General.*)

Oath to be also taken on election day.

#### Minutes respecting persons challenged.

"The inspectors of election shall keep a minute of their proceedings in respect to the challenging and administering

Minutes as to challenges

Certificate  
thereof.

oaths to persons offering to vote, in which shall be entered, by one of them, the name of every person who shall be challenged or take either of such oaths, specifying in each case whether the preliminary oath or the general oath, or both were taken. At the close of the election, at each polling place, the inspectors thereat shall add to such minutes a certificate to the effect that the same are all such minutes as to all persons challenged at such election." (§ 112, *Election Law*, chap. 680, *Laws* 1892.)

### Form of memorandum of challenges.

Form of  
memoran-  
dum of  
challenges.

"At a general election held in election district number . . . ., in the town of . . . . ., (or in the . . . . ward of the city of . . . . .) in the county of . . . . ., on the . . . . day of November, 18. ., the following persons were challenged and respectively took the oath or oaths as stated below, to-wit :

Peter Polk, John Dallas, Joel O'Hern, each took the preliminary oath; whereupon the challenge was in each case withdrawn.

John Smith, Jr., Henry Jones, Dennis O'Brien, each took the preliminary and also the general oath (or affirmation).

We certify that the above is a true minute and statement of the persons challenged who took either or both of the oaths or affirmations required by law."

Dated at . . . . ., *November* . . . ., 18. . .

GEORGE F. CRAFT,  
PETER L. LANSING,  
DAVID B. TUNNICLIFF,  
*Inspectors.*

### Canvass of votes by inspectors.

Canvass of  
vote.

No ad-  
journalment.  
Com-  
parison of  
poll list.

As soon as the polls of an election are closed, if in the city of Brooklyn, the board of canvassers and if elsewhere, the inspectors of election thereat, shall publicly canvass and ascertain the votes and not adjourn or postpone the canvass until it shall be fully completed. They shall commence by comparing the two poll-lists with each other, correcting any mistakes therein and by counting the ballots found in the ballot-boxes without unfolding them, except so far as to ascertain that each ballot is single, and by comparing the ballots found in each box with the number shown by the poll-lists to have

been deposited therein. If the ballots found in any box shall be more than the number of ballots so shown to have been deposited therein, such ballots shall all be replaced without being unfolded in the box from which they were taken and shall be thoroughly mingled therein, and one of the inspectors or canvassers designated by the board shall, without seeing the same and with his back to the box, publicly draw out as many ballots as shall be equal to such excess, and without unfolding them forthwith destroy them. If two or more ballots shall be found in a ballot box so folded together as to present the appearance of a single ballot, they shall be destroyed if the whole number of ballots in such ballot box exceeds the whole number of ballots shown by the poll-lists to have been deposited therein and not otherwise. If there lawfully be more than one ballot box for the reception of ballots voted at any one polling place, no ballot properly indorsed, found in the wrong ballot box shall be rejected, but shall be counted in the same manner as if found in the proper ballot box, if such ballot shall not together with the ballots found in the proper ballot box make a total of more ballots than are shown by the poll lists to have been deposited in the proper box. No ballot that has not the official indorsement shall be counted except such as are voted in accordance with the provisions of this chapter relating to unofficial ballots. If requested by any watcher the inspectors or canvassers shall, during the canvass, exhibit any and all ballots cast at such election or town meeting to such watcher fully opened, and in such a condition that he may fully and carefully read and examine the same, but such inspector or canvasser shall not allow any such ballot to be taken from his hand. When any inspector, ballot clerk or watcher shall demand an oral count of the vote upon candidates for a particular office, the chairman of the board shall take all the ballots into his possession and call aloud the names of the candidates for such office as they appear upon the respective ballots, and shall hand the ballots, as fast as he calls the names from them, to the other inspectors for verification. The poll clerks shall each keep tally of the number of votes called for each candidate and announce the result as soon as the

Excess to  
be drawn  
from box.

Ballots  
folded  
together,  
when  
destroyed.

Ballots in  
wrong box  
not to be  
rejected.

Ballots  
without in-  
dorsement.

Exhibition  
of ballots to  
watchers.

Oral count  
of vote.

Room to be lighted and canvass in plain view.

Ballots objected to, to be marked and attached to statement.

To be counted.

Order of opening boxes.

Ballots bearing erasure.

Certain marks to be treated as surplusage

count is completed; and the figures shall thereupon be submitted to the inspectors, ballot clerks and watchers for examination. The room in which such canvass is made shall be clearly lighted and such canvass shall be made in plain view of the public. When in a case not provided for by sections one hundred and four and one hundred and five of this act an inspector of election or other election officer or duly authorized watcher shall, during a canvass of the votes, or immediately after the completion thereof, declare his belief that any particular ballot has been written upon or marked in any way for the purpose of identification, the inspectors or canvassers shall write on the back of such ballot the words "objected to because marked for identification," or words in substance to that effect, and sign their names thereto, and attach each such ballot to their written statement of the result of the canvass. Each such ballot shall be counted by them the same as if not so objected to. When two or more ballot boxes are provided for the reception of different kinds of ballots, as hereinbefore provided, the said ballot boxes shall be opened and ballots canvassed in the following order, namely: First, the box containing the general ballots; secondly, the box containing the ballots cast upon any constitutional amendment or other proposition or question. (§ 114, *Election Law*. Thus amended by chap. S10, *Laws* 1895.

### Powers and duties of inspectors in counting votes.

Any ballot from which there shall have been erased any device, figure or word, or upon which there shall be written any word or words other than the name of a candidate, shall be wholly void and shall not be counted. (See § 104, *Election Law*, as amended by chap. S10, *Laws* 1895.)

If in marking a ticket a cross (X) mark is made in the circular space above the name of a party, and also one or more cross (X) marks is made before the name or names of candidates on the same ticket for offices for which candidates on other party tickets are not individually marked, such marks before the names of candidates on the ticket so marked shall be treated as surplusage and ignored; and the ballot shall be counted for all the candidates on the ticket thus marked for

offices for which no candidates on the other tickets are marked, except where two or more persons for the same office are grouped on party tickets and the voter has marked which of the several candidates on his own party ticket he desires to vote for. (See § 104, *Election Law, as amended by chap. 810, Laws 1895.*)

If the elector marks more names than there are persons to be elected to an office, or if, for any reason, it is impossible to determine the voter's choice for an office to be filled, his ballot shall not be counted for such office. (See § 104, *Election Law, as amended by chap. 810, Laws 1895.*)

Ballot not to be counted.

No ballot shall be rejected for any technical error which does not make it impossible to determine the voter's choice. (See § 104 of *Election Law, as amended by chap. 810, Laws 1895.*)

Not to be rejected for technical error.

No ballot that has not the official indorsement shall be counted except such as are voted in accordance with the provisions of this chapter relating to unofficial ballots. (See § 104, *Election Law, as amended by chap. 810, Laws 1895.*)

Unindorsed ballots not to be counted.

Ballots marked "Objected to, etc.," to be counted the same as if not objected to and attached to statement of canvass. (See § 104, *Election Law, as amended by chap. 810, Laws 1895.*)

Ballots marked "objected to" to be counted.

"Inspectors are simply ministerial officers, performing the duties of the office as the statute directs. (See *People v. Bell*, 119 N. Y. 175.) It has been repeatedly held that a canvassing board has no power to determine that votes returned as cast for one man were, in fact, intended for another person, bearing another and different although similar name, and has no power to count and allow such votes for such other person; but that such facts can be only properly ascertained and determined in an action or proceeding in the nature of a *quo warranto*. (*The People v. Cook*, N. Y., Vol. 8, page 67; *Kortz v. Board of Canvassers of Greene County*, 12 Abb. N. S. 84.)" (*Opinion Attorney-General.*)

Inspectors simply ministerial officers.

Irregular,  
defective,  
etc., bal-  
lots.

Irregular, defective or informal ballots, as for instance where the Christian or surname, or part of a name only, is given, and again where several designations of office are united, as governor and lieutenant-governor, should be canvassed and returned exactly as given and be attached to the statement of canvass.

Abbrevi-  
ated and  
misspelled  
names.

Well-known abbreviations of Christian names, such as Geo. for George, Thos. for Thomas, Wm. for William, etc., may be allowed and counted, as also names misspelled, as Jacob for Jacob and Jonsen for Johnson, but so the pronunciation is not varied. When there is a change or omission or addition of a middle letter, the vote, if regular in other respects, should be counted as cast and returned exactly as given.

#### **Sample method of counting votes.**

Sample  
method of  
counting  
votes.

A sample method which has been found to work successfully is as follows: After the first count for the purpose of comparing the ballots found in each box, with the number shown by the poll lists, they should be separated into two or more piles, according to the number of party tickets voted, namely: Democratic, republican, prohibition, etc., putting the mixed or split tickets in a separate pile. The straight vote for each party may then be counted and set down upon one of the sample ballots under the column marked "straight." This disposes of all the straight ballots. The split or mixed tickets may then be counted for each name separately and the number set down opposite the candidates's names for the respective offices on the sample ballot under the column marked "split." A memorandum of the split votes for candidates not on the regular ticket should be kept on a separate sheet of paper.

Illustration  
of sample  
method of  
counting  
vote.

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For Governor,				
ROSWELL P. FLOWER.	Straight.	Split.	Total.	
	119	+ 54	-	173
For Lieutenant-Governor,				
WILLIAM F. SHEEHAN.	119	+ 51	-	170
For Secretary of State,				
FRANK RICE,	119	+ 58	-	177
For Comptroller,				
FRANK CAMPBELL.	119	+ 56	-	175
For Attorney-General,				
SIMON W. ROSENDALE.	119	+ 52	-	171

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For Governor,				
JACOB SLOAT FASSETT,	Straight.	Split.	Total.	
	108	+ 19	-	127
For Lieutenant-Governor,				
JOHN W. VROOMAN.	108	+ 21	-	129
For Secretary of State,				
EUGENE F. O'CONNOR.	108	+ 18	-	126
For Comptroller,				
ARTHUR P. WADE.	108	+ 25	-	133
For Treasurer,				
IRA M. HEDGES.	108	+ 14	-	122
For Attorney-General,				
WILLIAM E. SUTHERLAND.	108	+ 16	-	124

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**Certified statement of canvass.**

Statement  
of result of  
canvass.

Sample of  
ballots to  
be attached  
to state-  
ment.

Certified  
copies of  
statement.

Ballots  
to be  
destroyed.

Upon the completion of the canvass, the inspectors, except in the cities of New York and Brooklyn, shall make and sign a written statement thereof, showing the date of the election, the number of the district, the town or ward and the county in which it was held, the whole number of ballots received for each office, the whole number cast for each person for such office and the whole number of ballots objected to because marked for identification, written out at length in words and at the end thereof a certificate signed by the inspectors to the effect that the statement is in all respects correct. Every such statement of canvass shall be made upon a single sheet of paper, or if not so made, each half sheet shall be signed at the end thereof by the inspectors. Official ballots by which different voters have voted for exactly the same candidates for the same offices are referred to in this section as ballots of the same kind. Such inspectors shall securely attach to such statement one official ballot of each kind voted at the election. They shall state in words at full length and written partly on such ballot and partly upon the statement to which it shall be attached the whole number of the ballots which were received of the same kind as the one attached. Such inspectors shall also securely attach to such statement all unofficial ballots, if any, which were voted, whether they shall be similar to each other or dissimilar, and all ballots objected to as marked for identification. Unless such election be an election of town, city, village or school officers held at a different time from a general election, such inspectors shall forthwith and before adjourning make two certified copies of such certified statement of the result of the canvass. Forthwith upon the completion of such certified statements, and of such copies thereof if required, and the proclamation of the result, the ballots voted and not required to be attached to such certified statement or to such copies, and all spoiled ballots, shall be destroyed. (§ 115, *Election Law*, chap. 680, *Laws* 1892. *Thus amended by chap. 810, Laws* 1895.)

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For Governor,						Illustration of sample method of counting vote.
ROSWELL P. FLOWER.	Straight.		Split.		Total.	
	119	+	54	-	173	
For Lieutenant-Governor,						
WILLIAM F. SHEEHAN.	119	+	51	-	170	
For Secretary of State,						
FRANK RICE,	119	+	58	-	177	
For Comptroller,						
FRANK CAMPBELL.	119	+	56	-	175	
For Attorney-General,						
SIMON W. ROSENDALE.	119	+	52	-	171	

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For Governor,					
JACOB SLOAT FASSETT,	Straight.		Split.		Total.
	108	+	19	-	127
For Lieutenant-Governor,					
JOHN W. VROOMAN.	108	+	21	-	129
For Secretary of State,					
EUGENE F. O'CONNOR.	108	+	18	-	126
For Comptroller,					
ARTHUR P. WADE.	108	+	25	-	133
For Treasurer,					
IRA M. HEDGES.	108	+	14	-	122
For Attorney-General,					
WILLIAM E. SUTHERLAND.	108	+	16	-	124

## ELECTION REGULATIONS.

Objected to because marked for identification, one vote.

*(The statement to include also in its proper order each of the officers to be chosen at the same election.)*

We certify that the foregoing statement is in all respects correct.

Dated this . . . . day of November, in the year 189 . . . ."

A B,

C D,

E F,

*Inspectors.*

Additional certificate to be subjoined to COPIES to be filed in town or city clerk's office.

"We certify that the foregoing is a true copy of the original statement made by us for the board of county canvassers.

A B,

C D,

E F,

*Inspectors."*

(Here attach ballots and write statements thereon as follows :)

<p>"The whole number of ballots, corresponding with the one on which this statement is partly written, was two hundred and fifty ;</p> <p>(BALLOT.)</p> <p>or,</p> <p>The whole number of ballots received like this, was two hundred and fifty.</p> <p>[And so proceed with each kind of two or more ballots received.]</p>
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<p>Attach at the bottom all other ballots cast not containing names of same candidates, and all ballots "objected to because marked for identification."</p>
--

A B,

C D,

E F,

*Inspectors."*

**False returns.**

"An inspector or poll clerk of an election or town meeting, who intentionally makes, or attempts to make, a false canvass of the ballots cast thereat, or any false statement of the result of a canvass, though not signed by a majority of the inspectors, or any person who induces or attempts to induce any such inspector or clerk so to do, is guilty of a felony." (§ 41n, *Penal Code*.)

Penalty  
for making  
false re-  
turns, etc.

**Attaching of ballots to certificate of canvass.**

"Samples of the ballots voted must be attached to the copies of, as well as to, the original certificate of canvass."

Ballots  
to be  
attached.

"The voted ballots should be used for the forms of the various kinds of ballots voted to be attached to the certificate of canvass."

"One of each kind of split ballots voted should be attached to the statement of canvass by the inspectors of election."

"Ballots alleged by election officers or watchers to be marked for identification must be indorsed and returned by inspectors." (*Opinions Attorney-General*.)

**\* Form of statements of canvass.**

"Statement of the result of a general election held in and for the ..... election district of the town of ..... (or of the ..... ward of the city of .....), in the county of ....., on the ..... day of November, in the year of our Lord one thousand eight hundred and ninety, made by the inspectors of elections in and for said district, viz. :

Form of  
statement  
of canvass.

The whole number of votes given for the office of governor was three hundred and fifty, of which

Roswell P. Flower received one hundred votes.

Jacob Sloat Fassett received two hundred votes.

Joseph W. Bruce received forty-nine votes.

\* Every such statement to be made upon a single sheet of paper, or if not so made each half sheet shall be signed at the end thereof by the inspectors.

be no supervisor or he be absent or unable to attend the meeting of the county board of canvassers, such certified statement shall be forthwith delivered to an assessor of such town or city. One certified copy of such certified statement of the result of the canvass, the poll-lists of such election and the register and three certified copies thereof checked by such inspectors at such election shall be forthwith filed by such inspectors or by one of them deputed for that purpose, with the town clerk of such town or the city clerk of such city, as the case may be. The certified statement of the result of the canvass, the minutes as to challenges and assisted voters, certified by such inspectors, and the sealed packages of detached stubs and unvoted ballots prepared and delivered to the chairman of the inspectors by the ballot clerks, shall within twenty-four hours after the completion of such canvass, be filed by such inspectors or by one of them deputed for that purpose with the county clerk of the county in which the election district is situated. If the election be an election of town, city or village officers, held at a different time from a general election, elsewhere than in the cities of New York and Brooklyn, such certified statement of the results of the canvass, the certified minutes as to challenges, and assisted voters, the poll-lists of the election, the packages of detached stubs, and unvoted ballots, and if it be an election at which only registered voters can vote, the register and three certified copies thereof used and checked at the election shall forthwith upon the completion of the canvass, be filed by the inspectors, or by one of them deputed for that purpose, with the clerk of the town, village or city, as the case may be. Such packages of detached stubs and ballots not voted, prepared by the ballot clerks, shall be filed by inspectors of election in the city of New York, with the board of police commissioners, and by the board of canvassers, in the city of Brooklyn, with the board of election. Such packages shall be preserved in the office in which they are so filed in New York, Brooklyn or elsewhere, for one year from the time of the filing thereof, and may be opened and examined upon the order of a court or judge, or by any board of canvassers of the returns of election district canvassers, and at the expiration of such year, may be destroyed. (§ 117, *Election Law*, chap. 680, *Laws* 1892. *Thus amended by chap. 810, Laws* 1895.)

Filing of  
papers  
with town  
or city  
clerk.

Filing of  
papers,  
etc., with  
county  
clerk.

Statement  
of result of  
town, city  
or village  
election,  
etc., how  
filed.

Packages,  
how filed in  
New York  
and  
Brooklyn.

Preserva-  
tion of  
packages.

**Delivery of ballots — by whom made.**

“The ballots to be returned to the county clerk should be taken to that official by the election officer authorized to file the official canvass.” (*Opinion Attorney-General.*)

**Personal delivery of papers.**

“The duty of making a return of the ballots and statement to the county clerk should be personally attended to, and not done by mail.” (*Opinion by Attorney-General.*)

**Judicial investigation of ballots objected to as marked for identification.**

“If any such certified statement of the result of a canvass shall show that any of the ballots counted were objected to as marked for identification, a writ of mandamus may, upon the application of any candidate voted for at such election, within thirty days thereafter, issue out of the supreme court, if such statement be filed in a county clerk’s office, to the board of county canvassers, or if in any city clerk’s office or in any town or village clerk’s office, to the board or body of canvassers if any of the returns of the inspectors or canvassers of the election district, and otherwise to the inspectors of election making such statement, requiring a recount of the votes. If the court shall, in the proceedings upon such writ, determine that any such ballot was marked for the purpose of identification, in any manner not proper or necessary for expressing a vote for a person for an office to be filled at such election, the court may order such ballot to be excluded upon a recount of such votes. Inspectors and canvassers of election districts, and boards of canvassers, shall continue in office for the purpose of such proceedings.” (§ 118, *Election Law, chap. 680, Laws 1892.*)

**Misdemeanors in relation to elections.**

Any person who :

1. Acts as an inspector of election, poll clerk or ballot clerk, without being able to read and write the English language, or without being otherwise qualified to hold such office; or,

2. Being an inspector of election, knowingly and willfully permits or suffers any person to vote who is not entitled to vote thereat ; or,

3. Willfully and unlawfully obstructs, hinders or delays, or aids or assists in obstructing or delaying any elector on his way to a registration or polling place, or while he is attempting to register or vote ; or,

4. Electioneers, on election day, within a polling place, or in a public street or room, or in any public manner, within one hundred and fifty feet of a polling place ; or,

5. Removes any official ballot from a polling place before the closing of the polls ; or,

6. Unlawfully goes within the guard rail of any polling place or unlawfully remains within such guard-rail after having been commanded to remove therefrom by any inspector of election ; or,

7. Enters a voting booth with any voter or remains in a voting booth while it is occupied by any voter, or opens the door of a voting booth when the same is occupied by a voter, with the intent to watch such voter while engaged in the preparation of his ballot, except as authorized by the election law ; or,

8. Being or claiming to be a voter, permits any other person to be in a voting booth with him while engaged in the preparation of his ballot, except as authorized by the election law, without openly protesting against and asking that such person be ejected ; or,

9. Having lawfully entered a voting booth with a voter, requests, persuades or induces such voter to vote any particular ballot or for any particular candidate, or, directly or indirectly, reveals to another the name of any candidate voted for by such voter, or anything occurring within such voting booth ; or,

10. Shows his ballot after it is prepared for voting to any person so as to reveal the contents, or solicits a voter to show the same ; or,

11. Places any mark upon his ballot, or does any other act in connection with his ballot with the intent that it may be identified as the one voted by him ; or

12. Places any mark upon, or does any other act in connection with, a ballot or paster ballot, with the intent that it may afterwards be identified as having been voted by any particular person ; or,

13. Receives an official ballot from any person other than one of the ballot clerks having charge of the ballots ; or,

14. Not being a ballot clerk, delivers an official ballot to a voter ; or,

15. Not being an inspector of election, receives from any voter a ballot prepared for voting ; or

16. Fails to return to the ballot clerks, before leaving the polling place or going outside the guard-rail, each ballot not voted by him ; or,

17. Willfully disobeys any lawful command of the board of inspectors, or any member thereof, is guilty of a misdemeanor. This section shall apply to general and special elections, municipal elections and town meetings, but nothing therein shall prevent any person from receiving or delivering an unofficial sample ballot, or from receiving, delivering and voting an unofficial ballot as authorized by the election law." (§ 41k, *Penal Code as amended in 1894.*)

#### **Misconduct of election officers and watchers.**

"Any election officer or watcher who :

1. Reveals to another person the name of any candidate for whom a voter has voted ; or,

2. Communicates to another person his opinion, belief or impression as to how or for whom a voter has voted ; or,

3. Places a mark upon a ballot, or does any other act by which one ballot can be distinguished from another, or can be identified ; or,

4. Before the closing of the polls, unfolds a ballot which a voter has prepared for voting, is punishable by imprisonment for not less than six months nor more than one year. (§ 41i, *Penal Code as amended in 1894.*)

#### **Violation of election law by public officer.**

"A public officer who omits, refuses or neglects to perform any act required of him by the election law, or refuses to permit the doing of any act authorized thereby, is, if not



otherwise provided by law, punishable by imprisonment for not more than three years, or by a fine of not more than three thousand dollars, or both." (§ 41j, *Penal Code*.)

**Conspiring to promote or prevent election of persons.**

Any two or more persons who conspire to promote or prevent the election of any person or persons to a public office by the use of any means which are prohibited by law, shall be punishable by imprisonment for not less than six months nor more than one year; provided, any act besides such agreement be done to effect the object thereof by one or more of the parties to such conspiracy. (§ 41u, *Penal Code*.)

## County and State Boards of Canvassers.

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### Organization of county boards of canvassers.

"The board of supervisors of each county, except New York, and the assessors, if any, to whom the original statements of the results of the canvass of the votes cast at any election in the several election districts in such county shall be delivered in pursuance of law, shall be the county board of canvassers of such county. County board of canvassers

The members of the county board of canvassers of each county shall meet at the office of the county clerk thereof on the Tuesday next after each election of public officers held in such county, other than an election of town, city, village or district school officers held at a different time from a general election. Upon such meeting they shall choose one of their number chairman of such board. Such county clerk, or if he be absent or unable to act, the deputy county clerk of such county, shall be the secretary of such board. The secretary of the board shall thereupon administer the constitutional oath of office to the chairman of the board, who shall then administer such oath to each member and to the secretary of the board. Organization of board.

A majority of the members of such board shall constitute a quorum thereof. Quorum.

If on the day fixed for such meeting, a majority of any such board shall not attend, the members of the board then present shall elect the chairman of the board and adjourn to some convenient hour of the next day." (§ 130 *Election Law*, 1892.) Adjournment.

### Production of election district statements before county board.

"Thereupon the county clerk shall deliver to such board all the original and certified copies of such statements of results of canvass filed with or delivered to him. All such Delivery of statements to board.

original statements delivered to the members of such board shall be then delivered to the board. If any member of the county board of canvassers shall be unable to attend the first meeting of such board, he shall at or before such meeting cause to be delivered to the county clerk of such county all such original statements delivered to him.

**Adjourn-  
ments.**

If at the first meeting of a county board of canvassers of any county all such original statements of the results of the canvass of the votes cast at such election in all the election districts in the county, shall not be produced before the board, the board shall adjourn to some convenient hour of the next day and the county clerk of such county shall, by special messenger or otherwise, obtain such missing original statements if practicable or certified copies thereof in time to be produced before such board at its next meeting.

**Canvass of  
votes.**

At such adjourned meeting or as soon as an original or certified copy of such statement of the result of the canvass of the votes cast at such election in every election district in the county shall be produced before such board, the board shall from such original statements and certified copies proceed to canvass the votes cast in such county at such election other than for town, city or village officers or upon propositions or questions upon which the voters of a portion only of such county were entitled to vote. (§ 131 *Election Law*, 1892.)

### **Correction of clerical errors in election district statements.**

**Board to  
return  
statement.**

If upon proceeding to canvass such votes, it shall clearly appear to any county board of canvassers that certain matters are omitted from any such statement or copy, which should have been inserted, or that any merely clerical mistake exist therein, they shall cause such statement or copy to be sent by one of their number, whom they shall depute for that purpose to the inspectors or other canvassers whose names are subscribed thereto, for correction, and the member so deputed shall immediately give notice to such inspectors or canvassers, who shall forthwith meet and make such correction as the facts of

**Inspectors,  
etc., to  
make cor-  
rections.**

the case require; but such inspectors or canvassers shall not change or alter any decision before made by them, but shall only cause their canvass to be correctly stated. The board of county canvassers may adjourn from day to day, not exceeding three days in all, for the purpose of obtaining and receiving such corrected statements." (§ 132 *Election Law*, 1892.)

Adjournment of board.

**Mandamus to compel correction of errors by state and county boards of canvassers.**

"The supreme court may, upon affidavit presented by any voter, showing that errors have occurred in any state-  
ment or determination made by the state board of canvassers, or by any board of county canvassers, or that any such board has failed to act in conformity to law, make an order requiring such board to correct such errors, or perform its duty in the manner prescribed by law, or show cause why such correction should not be made or such duty performed. If such board shall fail or neglect to make such correction, or perform such duty, or show cause as aforesaid, the court may compel such board by a writ of mandamus, to correct such errors or perform such duty; and if it shall have made its determination and dissolved, to reconvene for the purpose of making such corrections or performing such duty. Such meeting of the board of state or county canvassers shall be deemed a continuation of its regular session, for the purpose of making such corrections, or otherwise acting as the court may order, and the statements and certificates shall be made and filed as the court shall direct, and shall stand in lieu of the original certificates and statements so far as they shall vary therefrom, and shall in all places be treated with the same effect as if such corrected statement had been a part of the original required by law."

Courts may make order.

May compel correction.

Meetings, state-ments, etc., of boards.

A special proceeding authorized by this section must be commenced within four months after the statement or determination in which it is claimed errors have occurred was made, or within four months after it was the duty of

the board to act in the particular or particulars as to which it is claimed to have failed to perform its duty. (§ 133 *Election Law*, 1892, as amended by chap. 312, *Laws* 1894.)

**New or corrected statements of county board.**

Transmission of copies to state officers.

Duty of secretary of state.

New statement and canvass.

“When a new or corrected statement or certificate, made by a board of county canvassers under the provisions of the preceding section, shall vary from the original statement or certificate with reference to votes for the offices of governor, lieutenant-governor, judge of the court of appeals, justice of the supreme court, secretary of state, comptroller, state treasurer, attorney-general, state engineer and surveyor, senator or representative in congress, or either of them, the county clerk, or other officer with whom the same is filed, shall forthwith prepare and transmit certified copies thereof to the officials mentioned in section one hundred and thirty-seven of this act, in the manner therein prescribed. The secretary of state shall thereupon file in his office the certified statement received by him, and obtain from the governor and comptroller the certified statements received by them, or either of them, and file the same in his office. He shall then, and within five days after any such certified copy of statements has been received by him, appoint a meeting of the state canvassers, to be held at his office, or the office of the state treasurer or comptroller, and the said board of state canvassers shall, from such certified copies of statements, proceed to make a new statement of the whole number of votes given at the election referred to in such statement for the various offices above mentioned, or either of them, so far as the number of votes for any particular office or candidate has been changed by such new or corrected statements, in the manner provided by section one hundred and thirty-nine of this act. Upon the new or corrected statement thus made, the said board of state canvassers shall then proceed to determine and declare what person or persons whose votes are affected by such new or corrected statement have been, by the greatest number of votes, duly elected to the various offices, or either of them, and the statement, certificate and

declaration thereupon made shall stand in lieu of the original statement, declaration and certificate so far as the latter are changed by the former. The supreme court shall, upon application of a candidate interested in the result of such new or corrected statement, or of any voter in the county from which such statement came, and upon proof by affidavit that the same has been made and filed as herein provided, and that the state board of canvassers has neglected or refused to act thereon within the time above prescribed, require said board to act upon such new or corrected statement, and canvass the same as above provided, or show cause why it should not do so; and in the event of the failure of such board to act upon such new or corrected statement and canvass the same, or show cause as aforesaid, the court may compel such board by writ of mandamus to act upon and canvass such new or corrected statement, and make a statement, certificate and declaration in accordance therewith; and if the state board of canvassers shall have made a determination, and adjourned or dissolved before receiving such new or corrected statement, the court may compel such board to reconvene for the purpose of carrying out its order and direction; and for that purpose the meeting of said board shall be deemed a continuance of its regular session. The state board of canvassers and the secretary of state shall respectively have the same powers, and discharge the same duties with reference to statements made under this section, that they have and are charged with under the provisions of section one hundred and thirty-nine and one hundred and forty of this act." (§ 134 *Election Law*, 1892. *Added by chap. 302, Laws 1894.*)

Court may  
compel  
board to  
act and  
canvass.

Reconven-  
ing of state  
board.

Powers and  
duties.

#### Statement of canvass by county board.

"Upon the completion by a county board of canvassers of their canvass of the votes so cast in such county, they shall make separate statements thereof as follows: One statement as to all the votes, if any, so cast for all the candidates for each office of elector of president and vice-president of the United States for which the electors of such county were enti-

Statements  
of canvass  
by county  
board.

tled to vote at such election ; another statement as to all the votes so cast for all the candidates for each state office, except members of the assembly, and for each office of representative in congress for which the electors of such county, or any portion thereof are entitled to vote ; another statement as to all the votes, if any, cast upon every proposed constitutional amendment or other proposition or question duly submitted to all the electors of the state at such election ; another statement as to all the votes cast for all the candidates for each office of member of assembly for which the electors of such county, or any portion thereof, were entitled to vote at such election ; another statement as to all the votes, if any, so cast for all the candidates for each county office and office of school commissioner for which the electors of such county, or any portion thereof, were entitled to vote at such election ; another statement as to all the votes, if any, so cast upon any proposition or question upon which only the electors of such county were entitled to vote at such election. Each such statement shall set forth, in words written out at length, all the votes so cast for all the candidates for each such office, and if any such office was to be filled at such election by the electors of a portion only of such county, all the votes cast for all the candidates for each office in any such portion of the county, designating by its proper district number or other appropriate designation, the names of each such candidate and the number of votes so cast for each, the whole number of votes so cast upon any proposed constitutional amendment or other proposition or question and of all the votes so cast in favor of and against the same respectively. If, upon such canvass any statement or duly certified copy of statement of the result of the canvass of the votes of any election district in such county shall have any ballot annexed thereto, indorsed by the inspectors or canvassers to the effect, in substance, that it was objected to as marked for identification, the county board of canvassers shall count such ballot as though not so marked, unless otherwise ordered by a court of competent jurisdiction, but they

Contents of  
statements.

Objected to  
ballots,  
how  
counted,  
etc.

shall add to each appropriate statement in which the count of any such ballot or portion thereof is included, a statement of the whole number of ballots so indorsed and counted for all the candidates for each office and the number of such ballots so counted for each candidate. Each such statement shall be certified as correct over the signature of the members of the board, or a majority of them, and shall be filed and recorded in the office of the county clerk of such county." (§ 135, *Election Law*, 1892. *Thus amended by chap. 840, Laws 1895.*)

### Decisions of county board as to persons elected.

"Upon the completion of such statements, each county board of canvassers shall determine what person has been so elected to each office of member of assembly to be filled by the electors of such county, if constituting one assembly district, or in each assembly district therein if there be more than one, and each person elected to each county office of such county to be filled at such election, and if there be more than one school commissioner district in such county, each person elected to the office of school commissioner to be filled at such election in each such district. The county clerk of the county of Hamilton shall forthwith transmit to the county clerk of the county of Fulton, a certified copy of the statement so filed and recorded in his office, of the county board of canvassers of Hamilton county, as to all the votes so cast in Hamilton county for all the candidates and for each of the candidates for the office of member of assembly of the assembly district composed of Fulton and Hamilton counties; and the county clerk of Fulton county shall forthwith deliver the same to the Fulton county board of canvassers, who shall from such certified copy and from their own statement as to the votes so cast for such office in Fulton county, determine what person was at such election elected to such office.

Such board of each county shall determine whether any proposition or question submitted to the electors of such county only, has been adopted or rejected.

All such determinations shall be reduced to writing and signed by the members of such board, or a majority of

Certification and filing.

Determination of county board.

How made and filed.



them, and filed and recorded in the office of the county clerk of such county, who shall cause a copy thereof and of the statements filed and recorded in his office upon which such determinations were based, to be published in at least one newspaper published in such county, and in such other newspapers published therein as the county board of canvassers shall direct.

Notice to  
persons  
elected.

The clerk of each county shall prepare as many certified copies of each certificate of the determination of the county board of canvassers of such county as there are persons declared elected in such certificate, and shall, without delay, transmit such copies to the persons therein declared to be elected, respectively." (§ 136 *Electum Law*, 1892.)

#### **Transmission of statements of county boards to the secretary of state.**

Statements  
of votes for  
state offi-  
cers, etc.

"Upon filing in the office of a county clerk of a statement of the county board of canvassers as to the votes cast for candidates for the offices of electors of president and vice-president, or as to the votes cast for candidates for state officers, excepting member of assembly, and for representatives in congress, or as to the votes cast upon any proposed constitutional amendment or other proposition or question submitted to all the electors of the state, such county clerk shall forthwith make three certified copies of each such statement, and within five days after the filing thereof in his office, transmit by mail one of such copies to the secretary of state, one to the governor, and one to the comptroller. The governor and comptroller shall forthwith, upon the receipt thereof by them, deliver such certified copies to the secretary of state. If any certified copies shall not be received by the secretary of state on or before the last day of November next after a general election, or within twenty days after a special election, he shall dispatch a special messenger to obtain such certified copy from the county clerk required to transmit the same, and such

Duty of  
secretary  
of state  
upon not  
receiving  
same.

county clerk shall immediately upon demand of such messenger at his office make and deliver such a certified copy to such messenger, who shall, as soon as practicable, deliver it to the secretary of state. The county clerk of each county shall transmit to the secretary of state, within twenty days after a general election and within ten days after a special election, a list of the name and residence of each person determined by the board of county canvassers of such county to be elected member of assembly, school commissioner, and to any county office; and on or before the fifteenth day of December in each year a certified copy of the official canvass of the votes cast in each such county by election districts at the next preceding general election. The secretary of state shall obtain from the governor and comptroller such certified copies so transmitted to them and file the same in his office." (§ 137, *Election Law*, 1892. *Thus amended by chap. 810, Laws 1895.*)

List of  
county off-  
cers to be  
sent  
secretary  
of state.

Copy of  
official  
canvass.

Secretary  
of state  
to obtain  
copies.

### Organization of state board of canvassers.

"The secretary of state, attorney-general, comptroller, state engineer and surveyor, and treasurer shall constitute the state board of canvassers, three of whom shall be a quorum. If three of such officers shall not attend on a day duly appointed for a meeting of the board, the secretary of state shall forthwith notify the mayor and recorder of the city of Albany to attend such meeting, and he\* shall forthwith attend accordingly and shall, with the other such officers attending, constitute such board.

Organiza-  
tion of  
state  
board.

Attend-  
ance of  
city  
officers.

The secretary of state shall appoint a meeting of such board at his office, or at the office of the treasurer or comptroller on or before the fifteenth day of December next after each general election, and within forty days after each special election, to canvass the statements of boards of county canvassers of such election.

Meetings.

He shall notify each member of the board of such meeting. The board may adjourn such meeting from day to day, not exceeding a term of five days." (§ 138 *Election Law*, 1892.)

Adjourn-  
ments.

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\* So in the original.

**Canvass by state board.**

Canvass  
by state  
board.

Dissent and  
protest.

Statements  
to be made.

Record.

“Such board shall at such meeting proceed to canvass the certified copies of the statements of the county board of canvassers of each county in which such election was held. If any member of such board shall dissent from a decision of the board, or shall deem any of the acts or proceedings of the board to be irregular, and shall protest against the same, he shall state such dissent or protest in writing signed by him, setting forth his reasons therefor, and deliver it to the secretary of state, who shall file it in his office. Upon the completion of such canvass such board shall make separate tabulated statements signed by the members of such board, or a majority thereof, of the whole number of votes cast for all the candidates for each office shown by such certified copies to have been voted for, and of the whole number of votes cast for each of such candidates, indicating the number of votes cast in each county therefor, and if the voters of not more than one district of the state were entitled to vote for such candidates therefor, the name and number of such district, and the name of each candidate and the determination of the board of the person thereby elected to such office; the whole number of votes shown by such certified copies to have been cast upon each proposed constitutional amendment or other proposition or question shown by such copies to have been voted upon, the whole number of votes cast in favor of and against each, respectively, and the determination of the board as to whether it was adopted or rejected. Each such statement, dissent and protest shall be delivered to the secretary of state and recorded in his office.” (§ 139, *Election Law*, 1892. *Thus amended by chap. 810, Laws 1895.*)

**Certificates of election.**

Certificate  
of election.

“The secretary of state shall thereupon forthwith transmit a copy, certified by his signature and official seal, of each such statement as to votes cast for candidates for any office, to the person shown thereby to have been elected thereto. He shall prepare a general certificate under the seal of this state, and attested by him as secretary thereof,

addressed to the house of representatives of the United States, in that congress for which any person shall have been chosen, of a due election of the persons so chosen at each election, as representatives of this state in congress; and shall transmit the same to the house of representatives, at their first meeting. If either of the persons so chosen at such election shall have been elected to supply a vacancy in the office of representative in congress, it shall be mentioned by the secretary of state in the statements to be prepared by him." (§ 140 *Election Law*, 1892.)

**Record in office of secretary of state of county officers elected.**

"The secretary of state shall enter in a book to be kept in his office the names of the respective county officers elected in this state, including school commissioners, specifying the counties and districts for which they were severally elected and their places of residence, the offices to which they were respectively elected, and the terms of office." (§ 141 *Election Law*, 1892.)

## Election of Representatives in Congress and Electors of President and Vice-President.

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### **Representatives in congress, when and how chosen.**

**Election.**

**Resignations and vacancies.**

“Representatives in the house of representatives of the congress of the United States shall be chosen in the several congressional districts at the general election held therein in the year 1892 and every second year thereafter. If any such representative shall resign he shall forthwith transmit a notice of his resignation to the secretary of state, and if a vacancy shall occur in any such office the clerk of the county in which such representative shall have resided at the time of his election shall, without delay, transmit a notice thereof to the secretary of state.” (§ 160 *Election Law*, 1892.)

### **Electors of president and vice-president, when and how chosen.**

**Election of electors.**

“At the general election in November, preceding the time fixed by the law of the United States for the choice of president and vice-president of the United States, there shall be elected by general ticket as many electors of president and vice-president as this state shall be entitled to, and each elector in this state shall have a right to vote for the whole number, and the several persons to the number required to be chosen having the highest number of votes shall be declared and be duly appointed electors.” (§ 161 *Election Law*, 1892.)

### **Meeting and organization of the electoral college.**

**Meeting and organization of electoral college.**

“The electors of president and vice-president shall convene at the capitol on the second Monday in January next following their election, and those of them who shall be assembled at twelve o'clock noon of that day, shall imme-

diately at that hour fill, by ballot, and by plurality of votes, all vacancies in the electoral college, occasioned by death, refusal to serve, or neglect to attend at that hour, of any elector, or occasioned by an equal number of votes having been given for two or more candidates. The electoral college being thus completed, they shall then choose a president, and one or more secretaries from their own body." (§ 162 *Election Law*, 1892.)

**Secretary of state to furnish college with lists of electors.**

"The secretary of state shall prepare three lists, setting forth the names of such electors, and the canvass under the laws of this state, of the number of votes given for each person for whose election any and all votes were given, together with the certificate of determination thereon, by the state canvassers; procure to the same the signature of the governor; affix thereto the seal of the state, and deliver the same thus signed and sealed to the president of the college of electors, on the second Monday in January." (§ 163 *Election Law*, 1892.)

**Vote of the electors and their lists of persons voted for.**

"Immediately after the organization of the electoral college, the electors shall then and there vote by ballot for president and vice-president, one of whom at least shall not be an inhabitant of the same state with themselves. They shall name in their ballots the person voted for as president, and in distinct ballots, the person voted for as vice-president.

They shall make distinct lists of all persons voted for as president, and of all persons voted for as vice-president, and of the number of votes for each, which lists they shall sign and certify, and after annexing thereto one of the lists received from the secretary of state, they shall seal up the same, certifying thereon, that lists of the votes of this state for president and vice-president are contained therein." (§ 164 *Election Law*, 1892.)

**Appointment of messenger and his duties.**

**Messengers** “The electors shall then, by writing under their hands, or under the hands of a majority of them, appoint a person to take charge of the lists so sealed up, and to deliver the same to the president of the senate, at the seat of government of the United States, before the third Monday in the said month of January.

In case there shall be no president of the senate at the seat of government, on the arrival of the person intrusted with the lists of the votes of the electors, then such person shall deliver the lists of votes in his custody into the office of the secretary of state of the United States” (§ 165 *Election Law*, 1892.)

**Other lists to be furnished.**

**Other lists.** “The electors shall also forward forthwith, by the post-office in the city of Albany, to the president of the senate of the United States, at the seat of government, and deliver forthwith to the judge of the United States for the northern district of the state of New York, similar lists signed, annexed, sealed up and certified in the manner aforesaid.” (§ 166 *Election Law*, 1892.)

**Compensation of electors.**

**Compensation of electors.** “Every elector of the state for the election of a president and vice-president of the United States, who shall attend at any election of those officers and give his vote at the time and place appointed by law, shall be entitled to receive for his attendance at such election, the sum of fifteen dollars per day, together with ten cents per mile, each way, from his place of residence, by the most usual traveled route, to the place of meeting of such electors, to be audited by the comptroller upon the certificate of the secretary of state, and paid by the treasurer.” (§ 167 *Election Law*, 1892.)

## Provisions Relating to State and County Elective Officers.

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### Qualifications for holding office.

“No person shall be capable of holding a civil office who shall not, at the time he shall be chosen thereto, be of full age, a citizen of the United States, a resident of the state, and if it be a local office, a resident of the political subdivision or municipal corporation of the state for which he shall be chosen, or within which the electors electing him reside, or within which his official functions are required to be exercised.” (3 *Public Officers' Law*, chap. 681, *Laws* 1892.) Qualifications for office.

### Governor and lieutenant-governor, who eligible as.

“No person shall be eligible to the office of governor or lieutenant-governor, except a citizen of the United States, of the age of not less than thirty years, and who shall have been five years next preceding his election a resident of this state.” (§ 2, art. 4, *State Constitution*, as amended in 1874.) Eligibility to office of Governor.

### Judges not to hold other offices.

“The judges of the court of appeals and the justices of the supreme court shall not hold any other office or public trust. All votes for any of them for any other than a judicial office, given by the legislature or the people, shall be void.” (§ 10, art. 6, *State Constitution*.) Judges to hold no other offices.

### Members of legislature, who eligible.

“No person shall be eligible to the legislature who, at the time of his election, is, or within one hundred days previous thereto has been, a member of congress, a civil or military officer under the United States, or an officer under Eligibility to legislature.



- two years, except as provided in section two of this article. Each of the officers in this article named, excepting the speaker of the assembly, shall at stated times during his continuance in office, receive for his services a compensation which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive to his use any fees or perquisites of office or other compensation. No person shall be elected to the office of state engineer and surveyor who is not a practical civil engineer." (§ 1, *art. 5, State Constitution.*)

#### **First election and terms of state officers.**

First election and terms.

"The first election of the secretary of state, comptroller, treasurer, attorney-general and state engineer and surveyor, pursuant to this article shall be held in the year one thousand eight hundred and ninety-five, and their terms of office shall begin on the first day of January following, and shall be for three years. At the general election in the year one thousand eight hundred and ninety-eight, and every two years thereafter, their successors shall be chosen for the term of two years." (§ 2, *art. 5, State Constitution.*)

#### **Judges of court of appeals, election and term of office of.**

Judges of court of appeals.

"The court of appeals is continued. It shall consist of the chief judge and associate judges now in office, who shall hold their offices until the expiration of their respective terms, and their successors, who shall be chosen by the electors of the state. The official terms of the chief judge and associate judges shall be fourteen years from and including the first day of January next after their election. Five members of the court shall form a quorum, and the concurrence of four shall be necessary to a decision. The court shall have power to

appoint and to remove its reporter, clerk and attendants.”  
(§ 7, art. 6, *State Constitution*.)

**Justices of supreme court, election and term of office of.**

“The supreme court shall consist of the justices now in office, and of the judges transferred thereto by the fifth section of this article, all of whom shall continue to be justices of the supreme court during their respective terms, and of twelve additional justices who shall reside in and be chosen by the electors of, the several existing judicial districts, three in the first district, three in the second, and one in each of the other districts; and of their successors. The successors of said justices shall be chosen by the electors of their respective judicial districts. The legislature may alter the judicial districts once after every enumeration under the constitution, of the inhabitants of the state, and thereupon reapportion the justices to be thereafter elected in the districts so altered.”  
(*Part of § 1, art. 6, State Constitution.*)

Judges of  
supreme  
court.

**Official terms of justices ; vacancies in office.**

“The official terms of the justices of the supreme court shall be fourteen years from and including the first day of January next after their election. When a vacancy shall occur otherwise than by expiration of term in the office of Justice of the supreme court the same shall be filled for a full term, at the next general election, happening not less than three months after such vacancy occurs; and, until the vacancy shall be so filled, the governor by and with the advice and consent of the senate, if the senate shall be in session, or if not in session the governor, may fill such vacancy by appointment, which shall continue until and including the last day of December next after the election at which the vacancy shall be filled.” (§ 4, art. 6, *State Constitution*.)

Official  
terms.

Vacancies.

**Judges to make and file certificate of age, and when  
their term of office expires**

Certificate  
of age.

“ A judge of a court of record must, within ten days after he enters on the duties of his office, make and sign a certificate, stating his age, and the time when his official term will expire, either by completion of a full term or by reason of the disability of age, prescribed in the constitution. The certificate must be filed in the office of the secretary of state, who must keep a record of the time of the commencement and termination of the official term of each judge of a court of record.” (§ 54, *Code of Civil Procedure*.)

Filing and  
record  
thereof.

**Members of legislature, time of electing.**

Time of  
election.

“ The elections of senators and members of assembly, pursuant to the provisions of this constitution, shall be held on the Tuesday succeeding the first Monday of November unless otherwise directed by the legislature.” (§ 9, *art. 3, State Constitution*.)

**Senate.**

Fifty  
members.

“ The senate shall consist of fifty members, except as hereinafter provided. The senators elected in the year one thousand eight hundred and ninety-five shall hold their offices for three years, and their successors shall be chosen for two years.” (*Part of § 2, art. 3, of the Revised Constitution*.)

**Assembly, how composed.**

One hun-  
dred and  
fifty  
members.

“ The assembly shall consist of one hundred and fifty members who shall be chosen for one year.” (*Part of § 2, art. 3, of Revised Constitution*.)

### Representatives in congress, how to be elected; vacancies.

"The house of representatives shall be composed of <sup>How</sup> members chosen every second year by the people of the <sup>elected.</sup> several states, and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature. (*Subd. 1, § 2, art. 1 U. S. Constitution.*) When vacancies happen in the representa- <sup>Vacancies.</sup> tion from any state, the executive authority thereof shall issue writs of election to fill such vacancies." (*Subd. 4, § 2, same art.*)

### Representatives in congress, when and how chosen.

"Representatives in the house of representatives of the <sup>Election.</sup> congress of the United States shall be chosen in the several congressional districts at the general election held therein in the year 1892 and every second year thereafter. If any such representative shall resign he shall forthwith trans- <sup>Resigna-</sup> mit a notice of his resignation to the secretary of state, <sup>tions.</sup> and if a vacancy shall occur in any such office the clerk of the county in which such representative shall have resided at the time of his election shall, without delay, transmit a notice thereof to the secretary of state." (§ 160 *Election Law, 1892.*)

### Election, appointment and term of office of county judge, surrogate, special county judge and special surrogate, and designation of justices of sessions.

"There shall continue to be elected in each of the <sup>Election</sup> counties now having such officers: <sup>and term.</sup>

1. A county judge \* and a surrogate, † who shall severally hold the office for six years from and including the first day of January succeeding his election.

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\* In the county of Kings there shall be two county judges. See § 14, art. 6, Revised State Constitution.

† In the county of New York the term of surrogate is fourteen years. See § 15, art. 6, Revised State Constitution.

2. A special county judge and a special surrogate, pursuant to the several acts of the legislature creating and respectively defining the terms and duties thereof.

Appoint-  
ments.

3. 'There shall continue to be appointed by the governor, by and with the consent of the senate, if in session, a county judge, surrogate, special county judge or special surrogate, when a vacancy shall occur in either of such offices, and the person so appointed shall hold the office until and including the last day of December succeeding the first annual election thereafter at which such vacancy can be lawfully filled.

Justices of  
sessions.

\*4. There shall continue to be designated two justices of the peace of the county, having at least one year to serve from the first day of January succeeding their designation, to be justices of sessions for the county during the calendar year commencing on the first day of January succeeding their designation. Each elector may place upon his ballot at each general election under the words 'for sessions,' the name of one such justice of the peace and the two justices of the peace representing the two principal political parties into which the electors of the county are divided receiving the greatest number of votes shall be designated as such justices of the sessions for such term." (§ 220 *County Law*, chap. 686, *Laws* 1892.)

### Election, appointment and term of office of sheriffs and coroners, and the undertakings of sheriffs.

"There shall continue,

Election  
and terms.

1. To be elected in each of the counties a sheriff† and four coroners, ‡ who shall, respectively, hold their office for three years, from and including the first day of January succeeding their election ;

Appoint-  
ment.

2. To be appointed by the governor, a sheriff, or a coroner, when a vacancy shall occur in either of such offices, and the person so appointed shall hold the office until and including the last day of December succeeding the first annual election thereafter, at which such vacancy can be lawfully filled.

\*Office of justices of sessions abolished after Jan. 1, 1896. See § 14, art. 6, of Revised State Constitution.

†Sheriff to hold no other office and ineligible for next term. See § 1, art. 10, State Constitution.

‡Office of coroner not a constitutional office.

Every person elected or appointed to the office of sheriff shall, before he enters upon the duties of his office, and if appointed, within fifteen days after notice thereof, execute and deliver to the county clerk of his county, a joint and several undertaking to the county, approved by such clerk, to the effect that such sheriff will, in all things, perform and execute the office of sheriff of his county during his continuance therein, without fraud or deceit. Such undertaking shall be filed in the office of the county clerk; and the clerk shall, at the time of his approval thereof, examine each surety thereto under oath; and he shall not approve of such undertaking, unless it shall appear on such examination that such sureties are jointly worth at least fifteen thousand dollars over and above all debts whatever; which examination, subscribed by the sureties, shall be indorsed on or attached to the undertaking; but the clerk shall determine the sufficiency of each surety. In the same manner the security shall be renewed within the twenty days after the first Monday of January in each year subsequent to that in which he shall have entered upon the duties of his office." (§ 180, *County Law*, chap. 686, *Laws* 1892.)

Undertaking of sheriff.

#### **Election, appointment, term of office and undertaking of county clerk.**

"There shall continue,

1. To be elected in each of the counties a county clerk, who shall hold his office for three years from and including the first day of January succeeding his election :

Elective and term.

2. To be appointed by the governor, a county clerk, when a vacancy shall occur in such office, and the person so appointed shall hold the office until and including the last day of December succeeding the first annual election after the happening of the vacancy.

Appointments

Every person elected or appointed to the office of county clerk, shall, before he enters on the duties of his office, and if appointed, within fifteen days after notice thereof, execute an undertaking to the county, with at least two sureties, with the approval of the board of supervisors, if

Undertaking.

in session, indorsed thereon by the clerk of the board, otherwise with the approval of the county judge, or a justice of the supreme court residing in the county, to the effect that he will faithfully execute and discharge the duties of county clerk, and account for all moneys deposited with him pursuant to law, or the order of any court, or by his predecessor in office, and pay them over as required by law, or directed by such order. (§ 160, *County Law*, chap. 686, *Laws* 1893.)

**Election, appointment, term of office, and undertaking of county treasurer.**

“ There shall continue,

**Election  
and terms.**

1. To be elected in each of the counties, a county treasurer, who shall hold his office for three years from and including, in the county of Kings, the first Tuesday of August, in the county of Monroe, the first Tuesday of October, and in the other counties the first day of January, succeeding his election, and until his successor is duly elected and qualified;

**Appoint-  
ments.**

2. To be appointed by the board of supervisors, if in session, otherwise by the county judge, a county treasurer, when a vacancy shall occur in such office, and the person so appointed shall hold the office until and including, in the county of Kings, the first Monday of August, in the county of Monroe, the first Monday of October, and in the other counties the last day of December, succeeding his appointment, and until his successor shall be elected and qualified.

**Undertak-  
ing.**

Every person elected or appointed to the office of county treasurer shall, before he enters upon the duties of his office, and if appointed within fifteen days after notice thereof, give an undertaking to the county with three or more sufficient sureties, with the approval of the board of supervisors, if in session, indorsed thereon by the clerk, otherwise with the approval of the county judge and county clerk, and in such sum as such board or judge and clerk approving the same shall direct, to the effect that such person shall faithfully execute the duties of his office, and shall pay over according to law, and account for all

moneys, property and securities, which shall come to his hands as treasurer and render a just and true account thereof to the board of supervisors, when required; and obey all orders and directions with a competent court relating thereto. When, in the opinion of the board of supervisors, the moneys intrusted to such person as treasurer shall be unsafe, or the surety insufficient, such board may require from such treasurer a new or further undertaking, to the same effect as at first, and with like sureties; and if such county treasurer shall fail to renew such undertaking as required within twenty days after he shall be notified by such board of such request, such omission shall work a forfeiture of his office, and the same shall become vacant. Such undertaking, with the approval indorsed thereon shall be filed in the office of the county clerk. The sureties, and county therein named, shall be liable to the state for the payment to the state treasurer, according to law, of all moneys belonging to the state, which shall come into his hands as county treasurer; and for the rendering of a just and true account thereof to the state comptroller." (§ 140 *County Law*, chap. 686, *Laws* 1892.)

**Election, appointment, term of office and undertaking of district attorney.**

"There shall continue,

1. To be elected in each of the counties a district attorney, who shall hold his office for three years from and including the first day of January succeeding his election; Election and term.

2. To be appointed by the governor, a district attorney, Appointment. when a vacancy shall occur in such office, and the person so appointed shall hold the office until and including the last day of December succeeding the first annual election thereafter at which such vacancy can be lawfully filled.

3. Except in the county of Kings, every person elected or appointed to the office of district attorney, shall, before he enters upon the duties of his office, and if appointed, within fifteen days after notice thereof, execute and deliver, to the county clerk of his county, a joint and several undertaking to the county, approved by the county judge, with two or Undertaking.



more sufficient sureties, being resident freeholders, to the effect, that he will faithfully account for and pay over according to law, or as the court may direct, all moneys that may come into his hands as such district attorney." (§ 200 *County Law*, chap. 686, *Laws 1892*.)

**Election, appointment and term of office of superintendents of the poor.**

**Election  
and ap-  
pointment**

"There shall continue to be elected or appointed in each of the counties one or more superintendents of the poor as heretofore; but no supervisor of a town, or county treasurer, shall be elected or appointed to such office. The board of supervisors of any county having, or entitled to have three or more superintendents of the poor, may, at an annual meeting thereof determine by resolution that thereafter only one county superintendent of the poor shall be elected; but no superintendent of the poor shall be elected or appointed in such county until the general election next preceding the expiration of the terms of the superintendents in office, or the office shall be vacant. The term of any superintendent in office, or of any person duly elected thereto on the passage of such resolution, shall not be affected thereby. Such board may also, in counties having and entitled to have but one superintendent of the poor, in like manner determine that thereafter three superintendents of the poor be elected for such county. After the passage of a resolution, as herein provided, the powers herein conferred shall not be again exercised within a period of five years. Such resolution shall not take effect until the next calendar year succeeding its adoption.

There shall continue,

**Election  
and ap-  
pointment.**

1. To be elected annually in each of the counties so having and being entitled to three county superintendents, one county superintendent of the poor, who shall hold his office for three years from and including the first day of January succeeding his election, and until his successor is duly elected and qualifies;

2. To be appointed by the board of supervisors, if in session, otherwise by the county judge, a county superin-

tendent of the poor, when a vacancy shall occur in such office, and the person so appointed shall hold the office until and including the last day of December succeeding his appointment, and until his successor shall be elected and qualifies;

3. To be elected a county superintendent of the poor in a county when a vacancy shall occur in such office, and the term of which shall not expire on the last day of the next succeeding December, and the person so elected shall hold the office for such unexpired term, which shall be designated upon the ballots of the electors, or until his successor shall be elected and qualifies;

4. To be elected in each of the counties so having, and entitled to have but one superintendent, a superintendent of the poor, who shall hold his office for three years from and including the first day of January succeeding his election, and until his successor is duly elected and qualifies;

5. To be appointed by the board of supervisors, if in session, otherwise by the county judge, a superintendent of the poor, in a county having and being entitled to but one superintendent, when a vacancy shall occur in such office; and the person so appointed shall hold the office until and including the last day of December succeeding his appointment, and until his successor shall be elected and qualifies;

6. To be elected in the succeeding year after the board of supervisors of a county having but one superintendent of the poor shall have adopted a resolution to have three superintendents, if the term of the superintendent in office expires with such year, three superintendents of the poor for such county, for the terms of one, two and three years respectively, which terms shall be respectively designated upon the ballots of the electors voting for such officers. If the term of the superintendent in office will not expire with such succeeding year, there shall be elected two superintendents of the poor for such county, for such terms, to be so designated upon the ballots of the electors voting for such officers, as will make the terms of one of the three superintendents expire with each succeeding year, and one superintendent of the poor shall hereafter be annually

electd. Such persons so elected shall hold the office from and including the first day of January succeeding his election, and until and including the last day of December of the year in which his term shall so expire, and until his successor is duly elected and qualifies. When ballots are voted without designating the term, the first name on the ballot shall be deemed as intended for the full or longer term of the officer voted for; the second name for the next longer term, and the third name for the shorter term." (§ 210 *County Law, chap. 686, Laws 1892.*)

### Undertaking.

Superintendent of poor.

"Every person elected or appointed to the office of superintendent of the poor shall, before he enters upon the duties of his office, and if appointed, within fifteen days after notice thereof, execute and deliver to the clerk of the county, to be filed in his office, his undertaking to the county, with two or more sufficient sureties, with the approval of the board of supervisors, if in session, indorsed thereon by the clerk; otherwise by the county judge of his county, or a justice of the supreme court of his judicial district, to the effect that he will faithfully discharge the duties of his office as such superintendent of the poor, and pay according to law all moneys that shall come into his hands as such superintendent, and render a just and true account thereof to the board of supervisors of his county." (§ 211 *County Law, chap. 686, Laws 1892.*)

### Election, term of office, etc., of school commissioners.

Election.

"A school commissioner for each school commissioner district shall be elected by the electors thereof, at the general election in the year eighteen hundred and ninety-six, and tri-ennially thereafter. Any person of full age, a citizen of the United States, a resident of the state, and of the county in which a school commissioner district is situated, shall be eligible to the office of school commissioner. No person shall be deemed ineligible to such office by reason of sex who has the other qualifications as herein provided. It shall be the duty of county clerks, and they are hereby required, as soon as they shall have official notice of the

Notice of election to superintendent.

election or appointment of a school commissioner, for any district in their county, to forward to the superintendent of public instruction a duplicate certificate of such election or appointment, attested by their signature and the seal of the county. (§ 3 *School Law*, chap. 556, *Laws* 1894.)

“The term of office of such commissioner shall commence <sup>Term of office.</sup> on the first day of January next after his election, and shall be for three years and until his or her successor qualifies. Every person elected to the office, or appointed to fill a vacancy, must take the oath of office prescribed by the constitution, before the county clerk or before any officer authorized to take, within this state, the acknowledgment of the execution of a deed of real property, and file it with the county clerk; and if he or she omit so to do, the office shall be deemed vacant. (§ 4 *School Law*, chap. 556, *Laws* 1894.)

#### Commencement of term of office.

“The term of office of an elective officer, unless elected to fill a vacancy then existing, shall commence on the first <sup>Commencement of term.</sup> day of January next after his election, if the commencement thereof be not otherwise fixed by law.” (§ 4 *Public Officers' Law* 1892, chap. 681, *L.*)

#### Holding over after expiration of term.

“Every officer except a judicial officer, a notary public, <sup>Holding over term.</sup> a commissioner of deeds and an officer whose term is fixed by the constitution, having duly entered on the duties of his office, shall unless the office shall terminate or be abolished, hold over and continue to discharge the duties of his office, after the expiration of the term for which he shall have been chosen, until his successor shall be chosen and qualified; but after the expiration of such term, the office shall be deemed vacant for the purpose of choosing his successor. An officer so holding over for one or more entire terms, shall, for the purpose of choosing his successor, be regarded as having been newly chosen for such terms. An appointment for a term shortened by reason of a predecessor holding over, shall be for the residue of the term only.” (§ 5 *Public Officers' Law* 1892, chap. 681, *L.*)

**Terms of officers chosen to fill vacancies.**

Terms of  
officers  
chosen to  
fill vacan-  
cies.

"If an appointment of a person to fill a vacancy in an appointive office be made by the officer, or by the officers, body or board of officers, authorized to make appointment to the office for the full term, the person so appointed to such vacancy shall hold office for the balance of the unexpired term. The term of office of an officer appointed to fill a vacancy in an elective office, shall be until the commencement of the political year next succeeding the first annual election after the happening of the vacancy, if the office be made elective by the constitution, or at which the vacancy can be filled by election, if the office be otherwise made elective." (§ 27 *Public Officers' Law* 1892, chap. 681.)

**Official oath.**

Official  
oath.

Where  
filed.

"Every officer shall take and file the oath of office required by law before he shall be entitled to enter upon the discharge of any of his official duties. An oath of office may be administered by any officer authorized to take, within the state, the acknowledgment of the execution of a deed of real property, or by an officer in whose office the oath is required to be filed, or may be administered to any member of a body of officers, by a presiding officer or clerk thereof, who shall have taken an oath of office. The oath of office of a notary public or commissioner of deeds shall be filed in the office of the clerk of the county in which he shall reside. The oath of office of every state officer shall be filed in the office of the secretary of state; of every officer of a municipal corporation, with the clerk thereof; and of every other officer, in the office of the clerk of the county in which he shall reside, if no place be otherwise provided by law for the filing thereof." (§ 10 *Public Officers' Law*, chap. 681 of 1892, as amended by chap. 318 of 1893.)

**Form of official oaths.**

Form of  
oath.

Additional  
oath of  
elective  
officers.

"Members of the legislature, and all officers, executive and judicial, except such inferior officers as shall be by law exempted shall, before they enter on the duties of their respective offices, take and subscribe the following oath or affirmation: 'I do solemnly swear (or affirm) that I will support the Constitution of the United States, and the Constitution of the state of New York, and that I will faithfully discharge the duties of the office of \_\_\_\_\_, according to the best of my ability;' and all such officers who shall have been chosen at any election shall, before they enter on the duties of their respective offices, take and subscribe the oath or affirmation above prescribed, together with the following addition thereto, as part thereof:

"And I do further solemnly swear (or affirm) that I have not directly or indirectly paid, offered or promised to pay,

contribute, or offered or promised to contribute any money or other valuable thing as a consideration or reward for the giving or withholding a vote at the election at which I was elected to said office, and have not made any promise to influence the giving or withholding any such vote,' and no other oath, declaration or test shall be required as a qualification for any office of public trust." (§ 1, art. 13, *State Constitution*.)

### Official undertakings.

"Every official undertaking, when required by or in pursuance of law to be hereafter executed or filed by any officer, shall be to the effect that he will faithfully discharge the duties of his office and promptly account for and pay over all moneys or property received by him as such officer, in accordance with law, or in default thereof, that the parties executing such undertaking will pay all damages, costs and expenses resulting from such default, not exceeding a sum, if any, specified in such undertaking. The undertaking of a state officer shall be approved by the comptroller both as to its form and as to the sufficiency of the sureties, and be filed in the comptroller's office. The undertaking of a municipal officer shall, if not otherwise provided by law, be approved as to its form and the sufficiency of the sureties by the chief executive officer or by the governing body of the municipality and be filed with the clerk thereof. The approval by such governing body may be by resolution, a certified copy of which shall be attached to the undertaking. The sum specified in an official undertaking shall be the sum for which such undertaking shall be required by or in pursuance of law to be given. If no sum, or a different sum from that required by or in pursuance of law, be specified in the undertaking, it shall be deemed to be an undertaking for the amount so required. If no sum be required by or in pursuance of law to be so specified, and a sum be specified in the undertaking, the sum so specified shall not limit the liabilities of the sureties therein. Every official undertaking shall be executed and duly acknowledged by at least two sureties, each of whom shall add thereto his affidavit that he is a freeholder or householder within the state, stating his occupation and residence and the street number of his residence and place of business if in a city, and a sum which he is worth over and above his just debts and liabilities and property exempt from execution. The aggregate of the sums so stated in such affidavits must be at least double the amount specified in the undertaking. The failure to execute and \* official undertaking in the form or by the number of sureties required by or in pursuance of law, or of a surety thereto to make an affidavit required by or in pursuance of law, or in the form so required, or the omission from such an

Official undertakings.

Approval thereof.

Sum specified.

How executed and verified.

Failure to execute.

\* So in the original.

undertaking of the approval required by or in pursuance of law, shall not affect the liability of the sureties therein.” (§ 11 *Pub. Officers' Law, chap. 681, Laws 1892.*)

#### Force and effect of official undertaking.

Force and effect of undertaking.

“An officer of whom an official undertaking is required, shall not receive any money or property as such officer, or do any act affecting the disposition of any money or property which such officer is entitled to receive or have the custody of, before he shall have filed such undertaking; and any person having the custody or control of any such money or property shall not deliver the same to any officer of whom an undertaking is required until such undertaking shall have been given. If a public officer required to give an official undertaking, enters upon the discharge of any of his official duties before giving such undertaking, the sureties upon his undertaking subsequently given for or during his official term shall be liable for all his acts or defaults done or suffered and for all moneys and property received during such term prior to the execution of such undertaking, or if a new undertaking is given, from the time notice to give such new undertaking is served upon him. Every official undertaking shall be obligatory and in force so long as the officer shall continue to act as such and until his successor shall be appointed and duly qualified, and until the conditions of the undertaking shall have been fully performed. When an official undertaking is renewed pursuant to law the sureties upon the former undertaking shall not be liable for any official act done or moneys received after the due execution, approval and filing of the new undertaking.” (§ 12 *Pub. Officers' Law, chap. 681, Laws 1892.*)

#### Notice of neglect to file oath or undertaking.

Notice of neglect to file oath, etc.

“The officer or body making the appointment or certificate of election of a public officer shall, if the officer be required to give an official undertaking to be filed in an office other than that in which the written appointment or certificate of election is to be filed, forthwith give written notice of such appointment or election to the officer in

whose office the undertaking is to be filed. If any officer shall neglect, within the time required by law, to take and file an official oath, or execute and file an official undertaking, the officer, with whom, or in whose officesuch oath or undertaking is required to be filed, shall forthwith give notice of such neglect, if of an appointive officer, to the authority appointing such officer; if of an elective officer, to the officer, board or body authorized to fill a vacancy in such office, if any, or if none and a vacancy in the office may be filled by a special election, to the officer, board or body authorized to call or give notice of a special election to fill such vacancy; except that the notice of failure of a justice of the peace to file his official oath, shall be given to the town clerk of the town for which the justice was elected." (§ 13 *Pub. Officers' Law, chap. 651, Laws 1892.*)

#### Resignation of officers.

"Public officers may resign their offices as follows :

1. The governor, lieutenant-governor, secretary of state, comptroller, attorney general, state engineer and surveyor, to the legislature;
2. All officers appointed by the governor alone, or by him with the consent of the senate, to the governor;
3. Senators and members of assembly, to the presiding officers of their respective houses;
4. Sheriffs, coroners, county clerks, district attorneys and registers of counties, to the governor;
5. Every other county officer, to the county clerk;
6. Every town officer, to the town clerk;
7. The officer of any other municipal corporation, to the clerk of the corporation;
8. Every other appointive officer, where not otherwise provided by law, to the body, board or officer that appointed him, and every other elective officer, where not otherwise provided by law, to the secretary of state.

Every resignation shall be in writing addressed to the officer or body to whom it is made. If addressed to an officer, it shall take effect upon delivery to him at his place of business, or when it shall be filed in his office. To whom delivered and when take effect.



If addressed to the legislature or to the presiding officer of either house thereof, it shall be delivered to and filed with the secretary of state, and shall take effect when so delivered, and he shall forthwith communicate the fact of such resignation to the legislature or to such house, if in session, or if not, at its first meeting thereafter.

If addressed to any other body it shall be delivered to the presiding officer or clerk of such body, if there be one, and if not, to any member thereof, and shall take effect upon such delivery, and shall be filed with the clerk, or if there be no clerk, with the other records of such body. A delivery at the office or place of residence or business of the person to whom any such resignation may be delivered shall be a sufficient delivery thereof." (§ 21 *Pub. Officers' Law*, chap. 681, *Laws* 1892.)

### Removal of judicial officers.

Removals  
by legis-  
lature.

"Judges of the court of appeals and justices of the supreme court, may be removed by concurrent resolution of both houses of the legislature, if two-thirds of all the members elected to each house concur therein. All other judicial officers, except justices of the peace and judges or justices of inferior courts not of record, may be removed by the senate, on the recommendation of the governor, if two-thirds of all the members elected to the senate concur therein. But no officer shall be removed by virtue of this section except for cause, which shall be entered on the journals, nor unless he shall have been served with a statement of the cause alleged, and shall have had an opportunity to be heard. On the question of removal, the yeas and nays shall be entered on the journal." (§ 11, art. 6, *Revised State Constitution*.)

### Removal of officers by senate

Removals  
by senate.

"The governor before making a recommendation to the senate for the removal of any officer may, in his discretion, take proofs for the purpose of determining whether such recommendation shall be made.

The secretary of state, comptroller, treasurer, attorney-general, or the state engineer and surveyor, may be removed by the senate, on the recommendation of the governor, for misconduct or malversation in office, if two-thirds of all the members elected to the senate shall concur therein. No such removal shall be made unless the person who is sought to be removed, shall have been served with a copy of the charges against him and have an opportunity of being heard. On the question of removal, the yeas and nays shall be entered on the journal. The governor may convene the senate in extra session for the investigation of such charges. The senate shall

have power to make such rules as it may see fit for the practice before it. At the time appointed for the investigation, the senate shall proceed to hear and try the charges against such officer, and may take proofs in relation thereto.

The governor may direct the attorney-general or may appoint any suitable person to conduct the trial of such charges before the senate.

An officer appointed by the governor by and with the advice and consent of the senate, may be removed by the senate upon the recommendation of the governor.

If the senate shall reject a recommendation of removal the clerk of the senate shall, by a writing signed by him and by the president and clerk of the senate, communicate the fact of such rejection to the governor. If the senate shall concur in such a recommendation the removal shall take effect upon the passage of the resolution of concurrence, and duplicate copies of such resolution, certified by the clerk and president of the senate, shall be executed and delivered by the clerk to the secretary of state." (§ 22 *Pub. Officers' Law*, chap. 681, *Laws* 1892.)

#### Removals by governor.\*

"An officer appointed by the governor for a full term or to fill a vacancy, any county superintendent of the poor, any register of a county, or any notary public, may be removed by the governor within the term for which such officer shall have been chosen, after giving to such officer a copy of the charges against him and an opportunity to be heard in his defense." (§ 23 *Pub. Officers' Law*, chap. 681, *Laws* 1892.)

Removals  
by gov-  
ernor.

#### Evidence in proceedings for removal by governor.

"The governor may take the evidence in any proceeding for the removal by him of a public officer or may direct that the evidence be taken before a justice of the supreme court of the district, or the county judge of the county, in which the officer proceeded against shall reside, or before a commissioner appointed by the governor for that purpose by an appointment in writing, filed in the office of the secretary of state. The governor may direct such judge or commissioner to report to him the evidence taken in such proceeding, or the evidence and the findings by the judge or commissioner of the material facts deemed by such judge or commissioner to be established. The commissioner or judge directed to take such evidence may require witnesses to attend before him, and shall issue sub-

Evidence in  
proceed-  
ings before  
governor.

\*"The governor may also remove sheriffs, county clerks, district attorneys and registers in counties within the terms for which they shall have been elected, giving to such officers copies of charges against them and an opportunity of being heard in their defense." (§ 1, art. 10, *Constitution*.)

pcenas for such witnesses as may be requested by the officer proceeded against.

The governor may direct the attorney-general, or the district attorney of the county in which the officer proceeded against shall reside to conduct the examination into the truth of the charges alleged as ground for such removal. If the examination shall be before a commissioner or judge, it shall be held at such place in the county in which the office proceeded against shall reside as the commissioner or judge shall appoint, and at least eight days after written notice of the time and place of such examination shall have been given to the officer proceeded against.

All sheriffs, coroners, constables and marshals to whom process shall be directed and delivered under this section shall execute the same without necessary \* delay.

#### Removal of officers by state officers.

Removals  
by state  
officers.

Every removal of an officer by one or more state officers, shall be in written duplicate orders, signed by the officer, or by all or a majority of the officers, making the removal, or if made by a body or board of state officers may be evidenced by duplicate certified copies of the resolution or order of removal, signed either by all or by a majority of the officers making the removal, or by the president and clerk of such body or board. Both such duplicate orders or certified copies shall be delivered to the secretary of state, who shall record in his office one of such duplicates, and shall, if the officer removed is a state officer, deliver the other to such officer by messenger, if required by the governor, and otherwise by mail or as the secretary of state shall deem advisable, and shall, if directed by the governor, cause a copy thereof to be published in the state papers. If the officer removed be a local officer, he shall send the other of such duplicates to the county clerk of the county in which the officer removed shall have resided at the time he was chosen to the office, and such clerk shall file the

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\* So in the original.

same in his office, and forthwith notify the officer removed of his removal. (§ 25 *Pub. Officers' Law*, chap. 681, *Laws* 1892.)

### Vacancies in elective offices.

“The legislature shall provide for filling vacancies in <sup>Vacancies</sup> office, and in case of elective officers, no person appointed to fill a vacancy shall hold his office by virtue of such appointment longer than the commencement of the political year next succeeding the first annual election after the happening of the vacancy. (§ 5, *art. 10, State Constitution.*)

### Creation of vacancies.

Every office shall be vacant upon the happening of either <sup>Creation thereof.</sup> of the following events before the expiration of the term thereof :

1. The death of the incumbent ;
2. His resignation ;
3. His removal from office ;
4. His ceasing to be an inhabitant of the state, or if he be a local officer, of the political subdivision, or municipal corporation of which he is required to be a resident when chosen ;
5. His conviction of a felony, or a crime involving a violation of his oath of office ;
6. The judgment of a court, declaring void his election or appointment, or that his office is forfeited or vacant ;
7. His refusal or neglect to file his official oath or undertaking, if one is required, before or within fifteen days after the commencement of the term of office for which he is chosen, if an elective office, or if an appointive office, within fifteen days after notice of his appointment, or within fifteen days after the commencement of such term ; or to file a renewal undertaking within the time required by law, or if no time be so specified, within fifteen days after notice to him in pursuance of law, that such renewal undertaking is required. When a new office or an additional incumbent of an existing office, shall be created, such office shall, for

the purposes of an appointment or election, be vacant from the date of its creation, until it shall be filled by election or appointment. (§ 20 *Public Officers' Law*, chap. 681, L. 1892.)

### Vacancies filled by legislature.

Vacancies  
filled by  
legislature.

When a vacancy occurs or exists, other than by removal, in the office of the secretary of state, comptroller, treasurer, attorney-general, or state engineer and surveyor; or a resignation of any such office to take effect at any future day shall have been made while the legislature is in session, the two houses thereof, by joint ballot, shall appoint a person to fill such actual or prospective vacancy. (§ 30 *Public Officers' Law*, chap. 681, L. 1892.)

### Filling other vacancies.

Filling  
other  
vacancies.

If a vacancy shall occur, otherwise than by expiration of term, with no provision of law for filling the same, if the office be elective, the governor shall appoint a person to execute the duties thereof until the vacancy shall be filled by an election. But if the term of such officer shall expire with the calendar year in which the appointment shall be made, or if the office be appointive, the appointee shall hold for the residue of the term. (§ 31 *Public Officers' Law*, chap. 681, L. 1892.)

### Vacancies in office of judges of court of appeals.

Vacancies  
in office of  
judge of  
court of  
appeals.

“When a vacancy shall occur otherwise than by expiration of the term, in the office of chief or associate judge of the court of appeals, the same shall be filled, for a full term, at the next general election happening not less than three months after such vacancy occurs; and until the vacancy shall be so filled, the governor, by and with the advice and consent of the senate, if the senate shall be in session, or if not in session the governor may fill such vacancy by appointment. If any such appointment of chief judge shall be made from among the associate judges, a temporary appointment of associate judge shall be made in like manner; but in such case, the person appointed chief judge shall not be deemed to vacate his office of associate judge any longer than until the expiration of his appointment as chief judge. The powers and

jurisdiction of the court shall not be suspended for want of appointment or election, when the number of judges is sufficient to constitute a quorum. All appointments under this section shall continue until and including the last day of December next after the election at which the vacancy shall be filled." (§ 8, *art. 6, State Constitution.*)

#### **Vacancy in office of justices of supreme court.**

"When a vacancy shall occur, otherwise than by expiration of term, in the office of justice of the supreme court, the same shall be filled, for a full term, at the next general election happening not less than three months after such vacancy occurs; and until the vacancy shall be so filled the governor, by and with the advice and consent of the senate, if the senate shall be in session, or if not in session, the governor may fill such vacancy by appointment which shall continue until and including the last day of December next after the election at which the vacancy shall be filled." Justices of  
supreme  
court.  
(*Part of § 4, art. 6, State Constitution.*)

#### **Notice of existence of vacancy.**

When a judgment shall be rendered by any court convicting an officer of a felony, or of a crime involving a violation of his oath of office, or declaring the election or appointment of any officer to be void, or that the office of any officer has been forfeited or become vacant, the clerk of such court shall give notice thereof to the governor, stating the cause of such conviction or judgment. Notice of  
vacancy.

Whenever a public officer shall die before the expiration of his term of office, or shall cease to be a resident of the political subdivision of the state or a municipal corporation in which he is required to be a resident as a condition of continuing in the office, the county clerk of the county in which such officer shall have resided immediately prior to such death or removal, shall immediately give notice of such death or removal to the governor. If the governor is not authorized to fill any vacancy of which he shall have notice, he shall forthwith give notice of the existence of

such vacancy to the officer or officers, or to the body or board of officers authorized to fill the vacancy, or if such vacancy may be filled by an election, to the officers authorized to give notice of such election. (§ 26 *Pub. Officers' Law*, 1892.)

**Filling vacancies in elective offices at general and special elections.**

**Filling vacancies at elections.**

A vacancy occurring before October fifteenth in any year, in an office authorized to be filled at a general election, shall be filled at the general election held next thereafter, unless otherwise provided by the constitution, or unless previously filled at a special election, or unless a special election therefor shall have been ordered to be held on or after such fifteenth day of October and before such general election.

Upon the failure to elect to any office, except governor or lieutenant-governor, at a general or special election at which the office is authorized to be filled; or upon the death or disqualification of a person elected to office at a general or special election before the commencement of his official term; or upon the occurrence of a vacancy in any elective office, which cannot be filled by appointment for a period extending to or beyond the next general election at which a person may be elected thereto, the governor shall make proclamation of a special election to fill such office, specifying the district or county in which the election is to be held, and the day thereof, which shall be not less than twenty nor more than forty days from the date of the proclamation.

**Special elections.**

A special election shall not be held to fill a vacancy in the office of a representative in congress, unless such vacancy occur on or before the first day of July of the last year of the term of office, or unless occurring thereafter and a special session of congress be called to meet before the next general election, or be called after October fourteenth of such year; nor to fill a vacancy in the office of state senator, unless the vacancy occur before the first day of April of the last year of the term of office; nor to fill a

vacancy in the office of a member of assembly, unless occurring before the first day of April in any year, unless the vacancy occur in either such office of senator or member of assembly, after such first day of April, and a special session of the legislature be called to meet between such first day of April and the next general election, or be called after October fourteenth of such year.

If a special election to fill an office shall not be held as required by law, the office shall be filled at the next general election. (§ 4 *Election Law*, 1892.)



# Political Divisions of State, Counties and Towns.

## ELECTION DISTRICTS.

NUMBER OF ELECTION DISTRICTS IN NEW YORK STATE AS  
REPORTED BY COUNTY CLERKS, JANUARY 1, 1895.

	DISTS.		DISTS.
Albany .....	124	Onondaga .....	142
Allegany .....	43	Ontario .....	45
Broome .....	70	Orange .....	91
Cattaraugus .....	62	Orleans .....	29
Cayuga .....	59	Oswego .....	70
Chautauqua .....	79	Otsego .....	56
Chemung .....	40	Putnam .....	15
Chenango .....	42	Queens .....	107
Clinton .....	35	Rensselaer .....	101
Columbia .....	45	Richmond .....	41
Cortland .....	29	Rockland .....	31
Delaware .....	51	St. Lawrence .....	91
Dutchess .....	70	Saratoga .....	60
Erie .....	210	Schenectady .....	29
Essex .....	35	Schoharie .....	33
Franklin .....	41	Schuyler .....	20
Fulton .....	43	Seneca .....	25
Genesee .....	31	Steuben .....	69
Greene .....	32	Suffolk .....	64
Hamilton .....	9	Sullivan .....	34
Herkimer .....	48	Tioga .....	37
Jefferson .....	77	Tompkins .....	39
Kings .....	685	Ulster .....	77
Lewis .....	37	Warren .....	30
Livingston .....	37	Washington .....	48
Madison .....	53	Wayne .....	45
Monroe .....	138	Westchester .....	116
Montgomery .....	44	Wyoming .....	34
New York .....	1,141	Yates .....	23
Niagara .....	55		
Oneida .....	115		
			<u>5,172</u>

**Creation, division and alteration of election districts.**

“Every town or ward of a city not subdivided into election districts shall be an election district. The town board of every town containing more than four hundred voters, and the common council of every city, except New York and Brooklyn, in which there shall be a ward containing more than four hundred voters, shall, on or before the first day of July in each year, divide such town or ward respectively into election districts, each of which shall be compact in form, wholly within the town or ward, and shall contain not more than four hundred voters, but no such town or ward shall be again divided into election districts until, at some general election, the number of votes cast in one or more districts thereof shall exceed five hundred; and, in such a case, the redivision shall apply only to the town or ward in which such district is situated. If any part of a city shall be within a town, the town board shall divide into election districts, only that part of the town which is outside the city, and no election district including any part of a city shall include any part of a town outside of a city. A town, or a ward of a city, containing less than four hundred voters may, at least thirty days before the election or appointment (where appointment is directed to be made by law) of inspectors of election of such town or ward, be divided into election districts by the town board of the town or the common council of the city, when, in the judgment of such board or council, the convenience of the voters will be promoted thereby. The creation, division or alteration of an election district outside of a city shall take effect immediately after the next town meeting, and at such next town meeting inspectors of election shall be elected for each election district in the town as constituted by such creation, division or alteration. If the creation, alteration or division of an election district is rendered necessary by the creation or alteration of a town, or ward of a city, it shall take effect immediately, but a new town or ward shall not be created, and no new town or ward shall be subdivided into election districts between the first day of September of any

Division of towns or wards into election districts.

Creation, division, etc., when to take effect.

Proviso as creation of new towns or wards.

Appoint-  
ment of  
inspectors.

year and the day of the general election next thereafter. If inspectors are not elected or appointed for such district outside of a city before September first next thereafter, the town board of the town shall appoint four inspectors of election of such district, two of whom shall be voters of the political party polling the highest number of votes, and two of whom shall be voters of the political party polling the next highest number of votes for state officers at the last preceding general election at which state officers were elected." (§ 8, *Election Law*, 1892. *Thus amended by chap. 810, Laws 1895.*)

#### Maps and certificates of boundaries of election districts.

Maps and  
certificates  
to be made  
by council.

"When a ward of a city, except New York and Brooklyn, shall be divided into two or more election districts, the common council of the city shall forthwith make a map or description of such division, defining it by known boundaries, and cause such map or description to be kept open for public inspection in the office of the city clerk, and cause copies thereof to be posted in at least ten of the most public places in each election district of such ward; and shall, prior to every election, furnish copies of such map and description to the inspectors of election in each election district of such ward.

Certificate  
to be made  
by town  
officers.

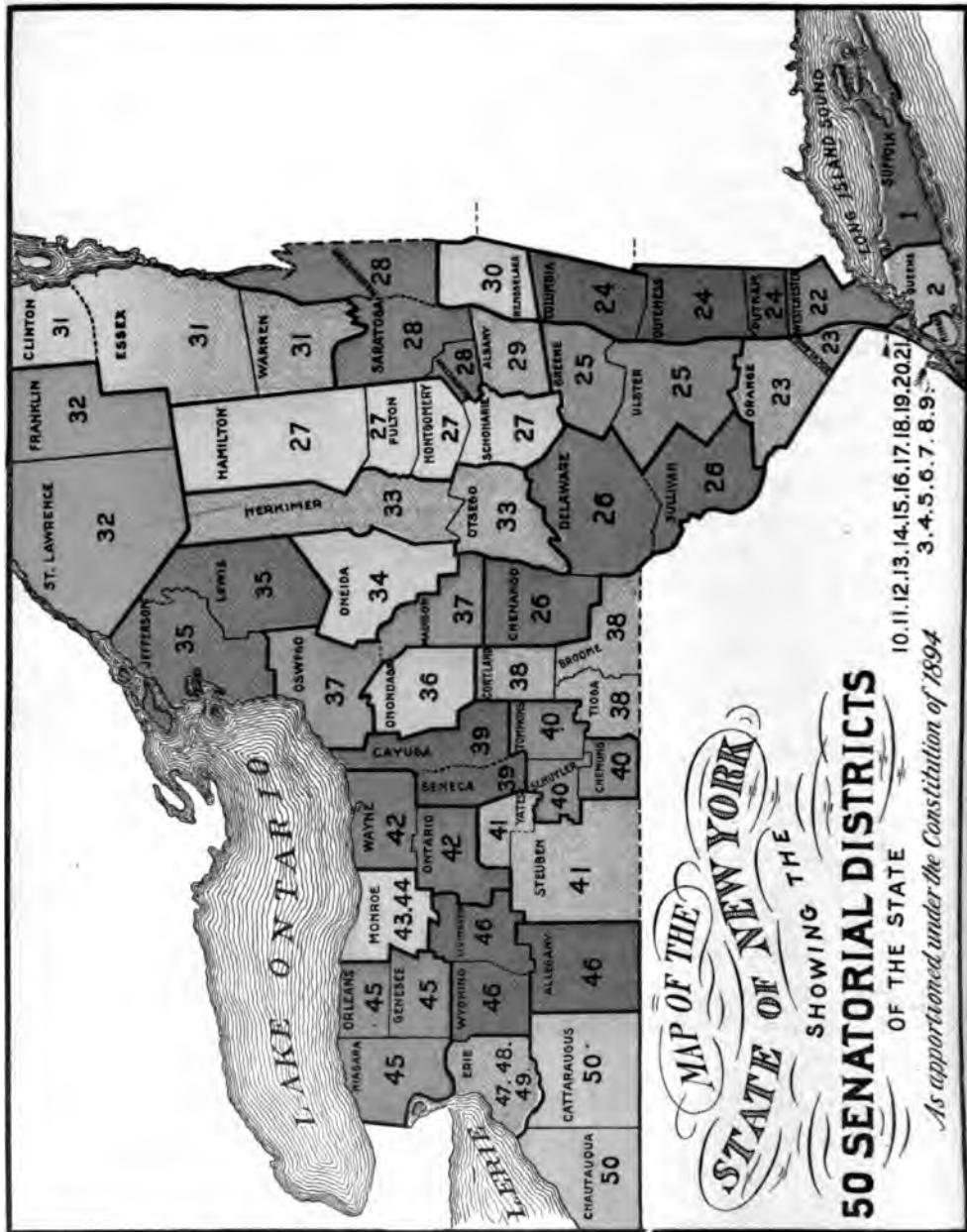
The officers creating, dividing or altering an election district in a town, shall forthwith make a certificate thereof, exhibiting the districts as so created, divided or altered, and their numbers respectively, and file the same in the town clerk's office." (§ 9, *Election Law*, 1892.)

#### Election districts in towns including cities.

Only dis-  
tricts out-  
side cities  
deemed  
town dis-  
tricts.

"If a town shall include a city, or portion of a city, only such election districts as are wholly outside of the city shall be deemed election districts of the town, except for the purposes of town meetings." (§ 18, *Election Law*, 1892.)





## SENATE DISTRICTS.

As apportioned by the state constitution in 1895.

### FIRST DISTRICT.

Counties of Suffolk and Richmond.

First senate district.

### SECOND DISTRICT.

County of Queens.

Second senate district.

### THIRD DISTRICT.

That part of the county of Kings comprising the first, second, third, fourth, fifth and sixth wards of the city of Brooklyn.

Third senate district.

### FOURTH DISTRICT.

That part of the county of Kings comprising the seventh, thirteenth, nineteenth and twenty-first wards of the city of Brooklyn.

Fourth senate district.

### FIFTH DISTRICT.

That part of the county of Kings comprising the eighth, tenth, twelfth and thirtieth wards of the city of Brooklyn, and the ward of the city of Brooklyn which was formerly the town of Gravesend.

Fifth senate district.

### SIXTH DISTRICT.

That part of the county of Kings comprising the ninth, eleventh, twentieth and twenty-second wards of the city of Brooklyn.

Sixth senate district.

### SEVENTH DISTRICT.

That part of the county of Kings comprising the fourteenth, fifteenth, sixteenth and seventeenth wards of the city of Brooklyn.

Seventh senate district.

### EIGHTH DISTRICT.

That part of the county of Kings comprising the twenty-third, twenty-fourth, twenty-fifth and twenty-ninth wards of the city of Brooklyn, and the town of Flatlands.

Eighth senate district.

### NINTH DISTRICT.

That part of the county of Kings comprising the eighteenth, twenty-sixth, twenty-seventh and twenty-eighth wards of the city of Brooklyn.

Ninth senate district.

### TENTH DISTRICT.

That part of the county of New York within and bounded by a line beginning at Canal street and the Hudson river, and

Tenth senate district.

running thence along Canal street, Hudson street, Dominick street, Varick street, Broome street, Sullivan street, Spring street, Broadway, Canal street, the Bowery, Division street, Grand street and Jackson street, to the East river and thence around the southern end of Manhattan island, to the place of beginning, and also Governor's, Bedlow's and Ellis islands.

## ELEVENTH DISTRICT.

Eleventh  
senate  
district.

That part of the county of New York lying north of district number ten, and within and bounded by a line beginning at the junction of Broadway and Canal street, and running thence along Broadway, Fourth street, the Bowery and Third avenue, St. Mark's place, Avenue A, Seventh street, Avenue B, Clinton street, Rivington street, Norfolk street, Division street, Bowery and Canal street, to the place of beginning.

## TWELFTH DISTRICT.

Twelfth  
senate  
district.

That part of the county of New York lying north of districts numbers ten and eleven and within and bounded by a line beginning at Jackson street and the East river, and running thence through Jackson street, Grand street, Division street, Norfolk street, Rivington street, Clinton street, Avenue B, Seventh street, Avenue A, St. Mark's place, Third avenue, East Fourteenth street to the East river, and along the East river, to the place of beginning.

## THIRTEENTH DISTRICT.

Thirteenth  
senate  
district.

That part of the county of New York lying north of district number ten, and within and bounded by a line beginning at the Hudson river at the foot of Canal street, and running thence along Canal street, Hudson street, Dominick street, Varick street, Broome street, Sullivan street, Spring street, Broadway, Fourth street, the Bowery and Third avenue, Fourteenth street, Sixth avenue, West Fifteenth street, Seventh avenue, West Nineteenth street, Eighth avenue, West Twentieth street, and the Hudson river to the place of beginning.

## FOURTEENTH DISTRICT.

Fourteenth  
senate  
district.

That part of the county of New York lying north of districts numbers twelve and thirteen, and within and bounded by a line beginning at East Fourteenth street and the East river, and running thence along East Fourteenth street, Irving place, East Nineteenth street, Third avenue, East Twenty-third street, Lexington avenue, East Fifty-third street, Third avenue, East Fifty-second street, and the East river, to the place of beginning.

## FIFTEENTH DISTRICT.

That part of the county of New York lying north of district number thirteen, and within and bounded by a line beginning at the junction of West Fourteenth street and Sixth avenue, and running thence along Sixth avenue, West Fifteenth street, Seventh avenue, West Fortieth street, Eighth avenue, and the transverse road across Central park at Ninety-seventh street, Fifth avenue, East Ninety-sixth street, Lexington avenue, East Twenty-third street, Third avenue, East Nineteenth street, Irving place and Fourteenth street, to the place of beginning.

Fifteenth  
senate  
district.

## SIXTEENTH DISTRICT.

That part of the county of New York lying north of district number thirteen, and within and bounded by a line beginning at Seventh avenue and West Nineteenth street, and running thence along West Nineteenth street, Eighth avenue, West Twentieth street, the Hudson river, West Forty-sixth street, Tenth avenue, West Forty-third street, Eighth avenue, West Fortieth street and Seventh avenue, to the place of beginning.

Sixteenth  
senate  
district.

## SEVENTEENTH DISTRICT.

That part of the county of New York lying north of district number sixteen, and within and bounded by a line beginning at the junction of Eighth avenue and West Forty-third street, and running thence along West Forty-third street, Tenth avenue, West Forty-sixth street, the Hudson river, West Eighty-ninth street, Tenth or Amsterdam avenue, West Eighty-sixth street, Ninth or Columbus avenue, West Eighty-first street and Eighth avenue, to the place of beginning.

Seven-  
teenth  
senate  
district.

## EIGHTEENTH DISTRICT.

That part of the county of New York lying north of district number fourteen, and within and bounded by a line beginning at the junction of East Fifty-second street and the East river, and running thence along East Fifty-second street, Third avenue, East Fifty-third street, Lexington avenue, East Eighty-fourth street, Second avenue, East Eighty-third street and the East river, to the place of beginning; and also Blackwell's island.

Eighteenth  
senate  
district.

## NINETEENTH DISTRICT.

That part of the county of New York lying north of district number seventeen, and within and bounded by a line beginning at West Eighty-ninth street and the Hudson river, and running thence along the Hudson river and Spuyten Duyvil creek around the northern end of Manhattan island; thence southerly along the Harlem river to the north end of

Nineteenth  
senate  
district.



Fifth avenue; thence along Fifth avenue, East One Hundred and Twenty-ninth street, Fourth or Park avenue, East One Hundred and Tenth street, Fifth avenue, the transverse road across Central park at Ninety-seventh street, Eighth avenue, West Eighty-first street, Ninth or Columbus avenue, West Eighty-sixth street, Tenth or Amsterdam avenue and West Eighty-ninth street, to the place of beginning.

#### TWENTIETH DISTRICT.

Twentieth  
senate  
district.

That part of the county of New York lying north of districts numbers eighteen and fifteen, and within and bounded by a line beginning at East Eighty-third street and the East river, running thence through East Eighty-third street, Second avenue, East Eighty-fourth street, Lexington avenue, East Ninety-sixth street, Fifth avenue, East One Hundred and Tenth street, Fourth or Park avenue, East One Hundred and Nineteenth street to the Harlem river, and along the Harlem and East rivers, to the place of beginning; and also Randall's island and Ward's island.

All of the above districts in the county of New York, bounded upon or along the boundary waters of the county, shall be deemed to extend to the county line.

#### TWENTY-FIRST DISTRICT.

Twenty-  
first sen-  
ate district.

That part of the county of New York lying north of districts numbers nineteen and twenty, within and bounded by a line beginning at East One Hundred and Nineteenth street and the Harlem river, and running thence along East One Hundred and Nineteenth street, Fourth or Park avenue, One Hundred and Twenty-ninth street, Fifth avenue and the Harlem river, to the place of beginning; and all that part of the county of New York not hereinbefore described.

#### TWENTY-SECOND DISTRICT.

Twenty-  
second sen-  
ate district.

County of Westchester.

#### TWENTY-THIRD DISTRICT.

Twenty-  
third sen-  
ate district.

Counties of Orange and Rockland.

#### TWENTY-FOURTH DISTRICT.

Twenty-  
fourth sen-  
ate district.

Counties of Dutchess, Columbia and Putnam.

#### TWENTY-FIFTH DISTRICT.

Twenty-  
fifth senate  
district.

Counties of Ulster and Greene.

<b>TWENTY-SIXTH DISTRICT.</b> Counties of Delaware, Chenango and Sullivan.	Twenty-sixth senate district.
<b>TWENTY-SEVENTH DISTRICT.</b> Counties of Montgomery, Fulton, Hamilton and Schoharie.	Twenty-seventh senate district.
<b>TWENTY-EIGHTH DISTRICT.</b> Counties of Saratoga, Schenectady and Washington.	Twenty-eighth senate district.
<b>TWENTY-NINTH DISTRICT.</b> County of Albany.	Twenty-ninth senate district.
<b>THIRTIETH DISTRICT.</b> County of Rensselaer.	Thirtieth senate district.
<b>THIRTY-FIRST DISTRICT.</b> Counties of Clinton, Essex and Warren.	Thirty-first senate district.
<b>THIRTY-SECOND DISTRICT.</b> Counties of St. Lawrence and Franklin.	Thirty-second senate district.
<b>THIRTY-THIRD DISTRICT.</b> Counties of Otsego and Herkimer.	Thirty-third senate district.
<b>THIRTY-FOURTH DISTRICT.</b> County of Oneida.	Thirty-fourth senate district.
<b>THIRTY-FIFTH DISTRICT.</b> Counties of Jefferson and Lewis.	Thirty-fifth senate district.
<b>THIRTY-SIXTH DISTRICT.</b> County of Onondaga.	Thirty-sixth senate district.
<b>THIRTY-SEVENTH DISTRICT.</b> Counties of Oswego and Madison.	Thirty-seventh senate district.
<b>THIRTY-EIGHTH DISTRICT.</b> Counties of Broome, Cortland and Tioga.	Thirty-eighth senate district.
<b>THIRTY-NINTH DISTRICT.</b> Counties of Cayuga and Seneca.	Thirty-ninth senate district.
<b>FORTIETH DISTRICT.</b> Counties of Chemung, Tompkins and Schuyler.	Fortieth senate district.

## FORTY-FIRST DISTRICT.

Forty-first  
senate  
district.

Counties of Steuben and Yates.

## FORTY-SECOND DISTRICT.

Forty-second  
senate  
district.

Counties of Ontario and Wayne.

## FORTY-THIRD DISTRICT.

Forty-third  
senate  
district.

That part of the county of Monroe comprising the towns of Brighton, Henrietta, Irondequoit, Mendon, Penfield, Perinton, Pittsford, Rush and Webster, and the fourth, sixth, seventh, eighth, twelfth, thirteenth, fourteenth, sixteenth, seventeenth and eighteenth wards of the city of Rochester, as at present constituted.

## FORTY-FOURTH DISTRICT.

Forty-fourth  
senate  
district.

That part of the county of Monroe comprising the towns of Chili, Clarkson, Gates, Greece, Hamlin, Ogden, Parma, Riga, Sweden and Wheatland, and the first, second, third, fifth, ninth, tenth, eleventh, fifteenth, nineteenth and twentieth wards of the city of Rochester, as at present constituted.

## FORTY-FIFTH DISTRICT.

Forty-fifth  
senate  
district.

Counties of Niagara, Genesee and Orleans.

## FORTY-SIXTH DISTRICT.

Forty-sixth  
senate  
district.

Counties of Allegany, Livingston and Wyoming.

## FORTY-SEVENTH DISTRICT.

Forty-seventh  
senate  
district.

That part of the county of Erie comprising the first, second, third, sixth, fifteenth, nineteenth, twentieth, twenty-first, twenty-second, twenty-third and twenty-fourth wards of the city of Buffalo, as at present constituted.

## FORTY-EIGHTH DISTRICT.

Forty-eighth  
senate  
district.

That part of the county of Erie comprising the fourth, fifth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth and sixteenth wards of the city of Buffalo, as at present constituted.

## FORTY-NINTH DISTRICT.

Forty-ninth  
senate  
district.

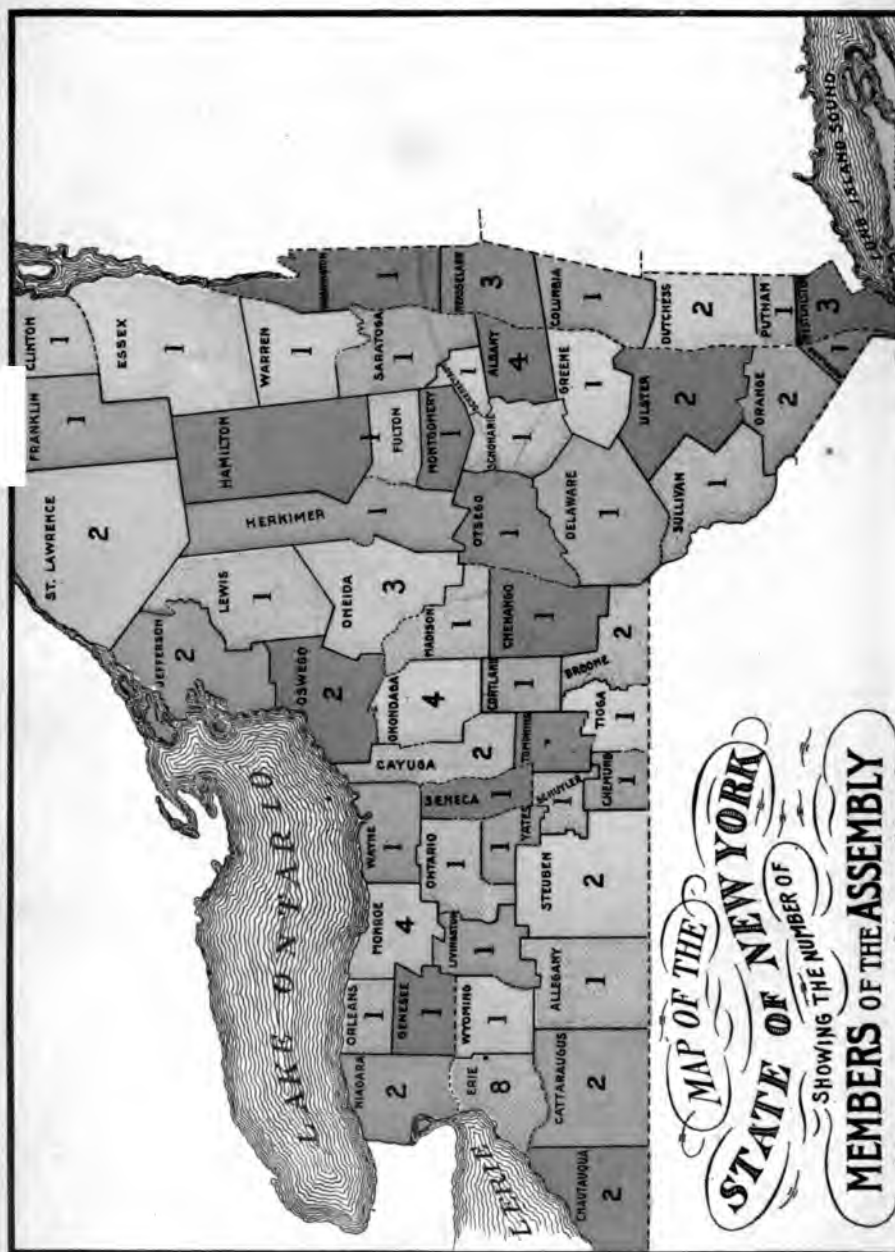
That part of the county of Erie comprising the seventeenth, eighteenth and twenty-fifth wards of the city of Buffalo, as at present constituted; and all the remainder of the said county of Erie not hereinbefore described.

## FIFTIETH DISTRICT.

Fiftieth  
senate  
district.

Counties of Chautauqua and Cattaraugus.





## ASSEMBLY DISTRICTS.

(As apportioned by the constitution of 1894, and divided into assembly districts by boards of supervisors in June, 1895.)

## ALBANY COUNTY.

*First district.*—Composed of towns of Bethlehem, Coeymans and New Scotland, and the first, fourteenth, fifteenth, sixteenth and eighteenth wards and part of the second ward of the city of Albany; 37,896 inhabitants excluding aliens. First assembly district.

*Second district.*—Towns of Berne, Guilderland, Knox, Rensselaerville and Westerlo, and the seventh, tenth, eleventh, thirteenth, seventeenth and nineteenth wards and part of the twelfth ward of the city of Albany; 37,752 inhabitants excluding aliens. Second assembly district.

*Third district.*—The third, fourth, fifth, sixth, eighth and ninth wards and parts of the second and twelfth wards of the city of Albany; 38,323 inhabitants excluding aliens. Third assembly district.

*Fourth district.*—The city of Cohoes and towns of Colonie and Watervliet; 42,777 inhabitants excluding aliens. Fourth assembly district.

## ALLEGANY COUNTY—ONE DISTRICT.

## BROOME COUNTY.

*First district.*—Towns of Binghamton, Colesville, Conklin, Dickinson, Fenton, Kirkwood, Sandford and Windsor and the seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth wards of the city of Binghamton; 30,892 inhabitants excluding aliens. First assembly district.

*Second district.*—Towns of Barker, Chenango, Lisle, Maine, Nanticoke, Triangle, Union and Vestal, and the first, second, third, fourth, fifth and sixth wards of the city of Binghamton; 30,618 inhabitants excluding aliens. Second assembly district.

## CATTARAUGUS COUNTY.

*First district.*—City of Olean, towns of Allegany, Ashford, Farmersville, Franklinville, Freedom, Hinsdale, Humphrev, Ischua, Lyndon, Machias, Olean, Portville and Yorkshire; 30,131 inhabitants excluding aliens. First assembly district.

*Second district.*—Towns of Carrollton, Cold Spring, Conewango, Dayton, East Otto, Elko, Ellicottville, Great Valley, Leon, Little Valley, Mansfield, Napoli, New Albion, Otto, Perrysburg, Persia, Randolph, Red House, Salamanca and South Valley; 29,594 inhabitants excluding aliens. Second assembly district.

## CAYUGA COUNTY.

First  
assembly  
district.

*First district.*—Towns of Brutus, Cato, Conquest, Ira, Mentz, Montezuma, Sennett, Sterling, Throop, Victory, and the first, second, fifth, sixth and tenth wards of the city of Auburn; 30,536 inhabitants excluding aliens.

Second  
assembly  
district.

*Second district.*—Towns of Aurelius, Fleming, Genoa, Ledyard, Locke, Moravia, Niles, Owasco, Scipio, Sempronius, Springport, Summer Hill and Venice, and the third, fourth, seventh, eighth and ninth wards of the city of Auburn; 29,793 inhabitants excluding aliens.

## CHAUTAUQUA COUNTY.

First  
assembly  
district.

*First district.*—Towns of Arkwright, Busti, Carroll, Charlotte, Cherry Creek, Ellery, Ellicott, Ellington, Gerry, Harmony, Jamestown, Kiantone, Poland, Stockton and Villenova; 37,353 inhabitants excluding aliens.

Second  
assembly  
district.

*Second district.*—Towns of Chautauqua, Clymer, Dunkirk, Hanover, French Creek, Mina, Poinfret, Portland, Ripley, Sheridan, Sherman and Westfield; 36,718 inhabitants excluding aliens.

CHEMUNG COUNTY—ONE DISTRICT.

CHENANGO COUNTY—ONE DISTRICT.

CLINTON COUNTY—ONE DISTRICT.

COLUMBIA COUNTY—ONE DISTRICT.

CORTLAND COUNTY—ONE DISTRICT.

DELAWARE COUNTY—ONE DISTRICT.

## DUTCHESS COUNTY.

First  
assembly  
district.

*First district.*—Towns of Milan, Pine Plains, North East, Stanford, Amenia, Washington, Pleasant Valley, Lagrange, Unionvale, Dover, Pawling, Beekman, East Fishkill, Fishkill and Wappinger's Falls; 37,835 inhabitants excluding aliens.

Second  
assembly  
district.

*Second district.*—Towns of Red Hook, Rhinebeck, Clinton, Hyde Park, Poughkeepsie and Poughkeepsie city; 37,213 inhabitants excluding aliens.

## ERIE COUNTY.

First  
assembly  
district.

*First district.*—The first, second, third, sixth, nineteenth and twentieth wards of the city of Buffalo; 48,249 inhabitants excluding aliens.

Second  
assembly  
district.

*Second district.*—The fifteenth, twenty-first, twenty-second, twenty-third and twenty-fourth wards of the city of Buffalo; 51,526 inhabitants excluding aliens.

Third  
assembly  
district.

*Third district.*—The fifth, eleventh and fourteenth wards of the city of Buffalo; 34,216 inhabitants excluding aliens.

*Fourth district.*—The fourth, eighth, ninth and tenth wards of the city of Buffalo; 36,470 inhabitants excluding aliens. Fourth assembly district.

*Fifth district.*—The seventh, twelfth, thirteenth and sixteenth wards of the city of Buffalo; 31,215 inhabitants excluding aliens. Fifth assembly district.

*Sixth district.*—The seventeenth, eighteenth and twenty-fifth wards of the city of Buffalo; 35,767 inhabitants excluding aliens. Sixth assembly district.

*Seventh district.*—The towns of Elma, Manilla, Cheektowaga, Lancaster, Alden, Newstead, Clarence, Amherst, Tonawanda and Grand Island; 31,632 inhabitants excluding aliens. Seventh assembly district.

*Eighth district.*—The towns of Collins, Concord, Sardinia, North Collins, Brant, Eden, Evans, Boston, Colden, Holland, Wales, Aurora, East Hamburg, Hamburg and West Seneca; 33,519 inhabitants excluding aliens. Eighth assembly district.

ESSEX COUNTY — ONE DISTRICT.

FRANKLIN COUNTY — ONE DISTRICT.

FULTON AND HAMILTON COUNTIES — ONE DISTRICT.

GENESEE COUNTY — ONE DISTRICT.

GREENE COUNTY — ONE DISTRICT.

HERKIMER COUNTY — ONE DISTRICT.

#### JEFFERSON COUNTY.

*First district.*—Towns of Adams, Brownville, Cape Vincent, Clayton, Ellisburg, Henderson, Hounsfield, Lorraine, Lyme, Pamela and the third and fourth wards of the city of Watertown; 32,999 inhabitants excluding aliens. First assembly district.

*Second district.*—Towns of Alexandria, Antwerp, Champion, Le Ray, Orleans, Philadelphia, Rodman, Rutland, Theresa, Watertown, Wilna and Worth and the first and second wards of the city of Watertown; 33,121 inhabitants excluding aliens. Second assembly district.

#### KINGS COUNTY.

*First district.*—Beginning at a point on the boundary line of the county of Kings, formed by the junction of a line drawn in continuation of the center line of Atlantic avenue in the city of Brooklyn; thence easterly to the center of Henry street; thence southerly to the center of Amity street; thence easterly to the center of Court street; thence southerly to the center of Bergen street; thence easterly to the center of Fourth avenue; thence northerly to the center of Flatbush avenue; thence northwesterly to the center of Fulton street; thence westerly and northerly and westerly to the center of Hicks street; thence southerly to the center of Poplar street; thence westerly to the center of Willow street; thence south- First assembly district, Kings.



erly to the center of Middagh street; thence westerly to the center of Columbia Heights; thence northerly to the center of Doughty street; thence westerly to the center of Furman street; thence northerly to the center of Fulton street; thence westerly to the boundary line of the county of Kings on the East river; thence southerly to the point of beginning. Comprises part of first ward, the third ward and part of sixth ward of the city of Brooklyn; 39,133 inhabitants excluding aliens.

Second  
assembly  
district,  
Kings.

*Second district.*—Beginning at a point on the boundary line of the county of Kings on the East river, formed by the junction of a line drawn in continuation of the center line of Fulton street; running thence easterly along the center of Fulton street to the center of Furman street; thence southerly to the center of Doughty street; thence easterly to the center of Columbia Heights; thence southerly to the center of Middagh street; thence easterly to the center of Willow street; thence northerly to the center of Poplar street; thence easterly to the center of Hicks street; thence northerly to the center of Fulton street; thence easterly, southerly and easterly to the center of Bridge street; thence northerly to the center of Johnson street; thence easterly to the center of Navy street; thence northerly to the boundary line of the United States navy yard; thence northerly along said boundary line to a point on the boundary line of the county of Kings on the East river; thence along said boundary line westerly to the place of beginning. Comprises the second, fourth and fifth wards and part of first ward of the city of Brooklyn; 38,958 inhabitants excluding aliens.

Third  
assembly  
district,  
Kings.

*Third district.*—Beginning at a point on the boundary line of the county of Kings on the East river, formed by the junction of a line drawn in continuation of the center line of Atlantic avenue; running thence easterly along the center of Atlantic avenue to the center of Henry street; thence southerly to the center of Amity street; thence easterly to the center of Court street; thence southerly to the center of Fourth place; thence westerly along the center of Fourth place and Coles street to the center of Hamilton avenue; thence northwesterly along the center of Hamilton avenue to a point on the boundary line of the county of Kings on the East river; thence along the East river northerly to the place of beginning. Comprises the sixth ward, except the third election district of the city of Brooklyn; 39,382 inhabitants excluding aliens.

Fourth  
assembly  
district,  
Kings.

*Fourth district.*—Beginning at a point on the boundary line of the county of Kings on the East river, on a line drawn through the center of Division avenue; thence easterly along the center of Division avenue to a point where the

center line of Lee avenue forms a junction with the center line of Division avenue; thence southeasterly to the center of Rodney street; thence southwesterly to the center of Bedford avenue; thence southeasterly and again southerly to the center of Flushing avenue; thence easterly to the center of Sanford street; thence southerly to the center of Park avenue; thence easterly to the center of Nostrand avenue; thence southerly to the center of Myrtle avenue; thence westerly to the center of Bedford avenue; thence southerly to the center of Breevort place; thence westerly to the center of Franklin avenue; then southerly to the center of Atlantic avenue; thence westerly to the center of Washington avenue; thence to its junction with the center of the Wallabout canal; thence northwesterly to its point of intersection with the boundary line of the county of Kings on the East river; thence northerly to the place of beginning. Comprises the seventh ward, part of nineteenth ward and part of twenty-first ward of the city of Brooklyn; 47,552 inhabitants excluding aliens.

*Fifth district.*—Beginning at a point on the boundary line of the county of Kings on the East river, where the same would be intersected by the center line of Grand street; running thence southeasterly to the center line of Rodney street; thence southwesterly to the center line of Broadway; thence southeasterly to the center line of Flushing avenue; thence westerly to the center of Bedford avenue; thence northwesterly and again northwesterly to the center of Rodney street; thence northeasterly to the center of Lee avenue; thence northwesterly to the center of Division avenue; thence westerly and again westerly to a point on the boundary line of the county of Kings on the East river; thence northwesterly and northerly to the place of beginning. Comprises the thirteenth ward and part of nineteenth ward of the city of Brooklyn; 48,075 inhabitants excluding aliens.

Fifth  
assembly  
district,  
Kings.

*Sixth district.*—Beginning at a point formed by the intersection of the center lines of Lafayette avenue and Broadway; running thence northwesterly to the center of Flushing avenue; thence westerly to the center of Sanford street; thence southerly to the center of Park avenue; thence easterly to the center of Nostrand avenue; thence southerly to the center of Myrtle avenue; thence westerly to the center of Bedford avenue; thence southerly to the center of Lafayette avenue; thence easterly along the center of Lafayette avenue to the place of beginning. Comprises the twenty-first ward, except election districts one, two and three of the city of Brooklyn; 48,033 inhabitants excluding aliens.

Sixth  
assembly  
district,  
Kings.

*Seventh district.*—Beginning at a point on the Gowanus

Seventh  
assembly

district,  
Kings.

canal, formed by the junction of a line drawn in continuation of the center line of Nineteenth street; thence southeasterly to the center of Third avenue; thence southwesterly to the center of Twentieth street; thence southeasterly to the center of Sixth avenue; thence southwesterly to the center of Twenty-third street; thence southeasterly to the center of Seventh avenue; thence northeasterly to the center of Twentieth street; thence southeasterly along the southerly side of Twentieth street to a point distant one hundred feet northwesterly from the corner formed by the intersection of the southerly side of Twentieth street with the westerly side of Ninth avenue; thence southwesterly on a line parallel with and distant one hundred feet from the westerly side of Ninth avenue to the northerly line of Twenty-first street; thence southeasterly along the northerly line of Twenty-first street to the westerly line of Ninth avenue, and thence northeasterly along the westerly line of Ninth avenue to the southerly side of Twentieth street; thence southeasterly along the southerly side of Twentieth street to the westerly line of Tenth avenue; thence southwesterly along the westerly line of Tenth avenue to the southerly side of Twenty-second street, as laid down on the commissioners' map of the city of Brooklyn; thence southeasterly along the southerly side of Twenty-second street as so laid down; thence again southerly to the boundary line separating the city of Brooklyn from the former town of Flatbush; thence westerly and again northwesterly along said boundary line to its junction with the boundary line separating the former town of New Utrecht from the city of Brooklyn; thence along said boundary line, first southerly and following in all other directions along the boundary line separating the town of Flatlands and the former town of Gravesend, continuing along the southerly boundary line of the county of Kings, formed by, or on the waters of the Atlantic ocean, Gravesend bay, the Narrows, New York bay, Gowanus bay, the East river and Gowanus canal to the place of beginning. Comprises part of the eighth ward, the thirtieth and thirty-first wards of the city of Brooklyn; 37,559 inhabitants excluding aliens.

Eighth  
assembly  
district,  
Kings.

*Eighth district.*—Beginning at a point formed by the junction of the center line of First place with the center line of Court street; running thence southeasterly along the center of First place to the center of Smith street; thence southwesterly to the center of Second street; thence southeasterly to the center of Bond street; thence northeasterly to the center of First street to the Gowanus canal; thence easterly and northeasterly along the Gowanus canal to the center of First street; thence southeasterly to the center of

Fourth avenue; thence northeasterly to the center of Bergen street; thence northwesterly to the center of Court street; thence southwesterly along the center of Court street to the place of beginning. Comprises the tenth ward, except election districts twenty-five, twenty-six and twenty-seven of the city of Brooklyn; 38,799 inhabitants excluding aliens.

*Ninth district.*—Beginning at a point formed by the junction of the center line of First place with the center line of Court street; running thence southeasterly along the center of First place to the center of Smith street; thence southwesterly to the center of Second street; thence southeasterly along the center of Second street to the center of Bond street; thence northeasterly to the center of First street; thence along First street to its intersection with Gowanus canal; thence along Gowanus canal in all its directions to its intersection with Prospect avenue; thence southeasterly along Prospect avenue to the center of Sixth avenue; thence southwesterly to the center of Twentieth street; thence northwesterly to the center of Third avenue; thence northerly to the center of Nineteenth street; thence northwesterly to the Gowanus canal; thence southwesterly along said canal to Gowanus bay; thence north and northwest along the boundary line of the county of Kings to a point on the East river opposite the center of Hamilton avenue; thence southeasterly along the center of Hamilton avenue to its intersection with the center line of Coles street; thence northeasterly to the center of Henry street; thence southeasterly to the center of Fourth place; thence northeasterly to the center of Court street; thence northeasterly to the place of beginning. Comprises the twelfth ward, part of tenth ward and part of eighth ward of the city of Brooklyn; 38,068 inhabitants excluding aliens.

Ninth  
assembly  
district,  
Kings.

*Tenth district.*—Beginning at a point on the boundary line of the county of Kings on the East river or Wallabout bay formed by the junction of a line drawn in continuation of the center line of Washington avenue; running thence southerly along the center of Washington avenue to the center of Atlantic avenue; thence westerly to the center of South Portland avenue; thence northwesterly to the center of Fulton street; thence westerly to the center of Fort Greene place; thence northerly to the center of De Kalb avenue; thence westerly to the center of Rockwell place; thence southerly to the center of Flatbush avenue; thence northerly to the center of Fulton street; thence westerly to the center of Bridge street; thence northerly to the center of Johnson street; thence easterly to the center of Navy street; thence northerly to the boundary line of the United States navy

Tenth  
assembly  
district,  
Kings.

yard, and a line in continuation thereof to its junction with the boundary line of the county of Kings on the East river or Wallabout bay; thence easterly along said boundary line to the place of beginning. Comprises the twentieth ward and part of the eleventh ward of the city of Brooklyn; 41,041 inhabitants excluding aliens.

Eleventh  
assembly  
district,  
Kings.

*Eleventh district.*—Beginning at a point formed by the junction of the center lines of Franklin and Atlantic avenues; running thence westerly along the center line of Atlantic avenue to the center of South Portland avenue; thence northerly to the center of Fulton street; thence westerly to the center of Fort Greene place; thence northerly to the center of De Kalb avenue; thence westerly to the center of Rockwell place; thence southerly to the center of Flatbush avenue; thence southeasterly to the center of Fourth avenue; thence southwesterly to the center of Garfield place; thence southeasterly to the center of Seventh avenue; thence northeasterly to the center of Carroll street; thence easterly to the center of Ninth avenue; thence northerly along the center of Ninth avenue continuing to a point at the center of Flatbush avenue; thence southeasterly to its junction with the boundary line of the former town of Flatbush; thence northeasterly and southeasterly along said boundary line to a point formed by the junction of the center line of Franklin avenue; thence northeasterly along the center line of Franklin avenue to the place of beginning. Comprises the ninth ward, part of the eleventh ward and part of the twenty-second ward of the city of Brooklyn; 41,461 inhabitants excluding aliens.

Twelfth  
assembly  
district,  
Kings.

*Twelfth district.*—Beginning at a point on the Gowanus canal formed by the junction of a line drawn in continuation of the center line of Prospect avenue; thence southeasterly along Prospect avenue to the center line of Sixth avenue; thence southwesterly to the center of Twenty-third street; thence southeasterly to the center of Seventh avenue; thence northeasterly to the center of Twentieth street; thence southeasterly along the southerly side of Twentieth street to a point distant one hundred feet northwesterly from the corner formed by the intersection of the southerly side of Twentieth street with the westerly side of Ninth avenue; thence southwesterly on a line parallel with and distant one hundred feet from the westerly side of Ninth avenue to the northerly line of Twenty-first street; thence southeasterly along the northerly line of Twenty-first street to the westerly line of Ninth avenue and thence northeasterly along the westerly line of Ninth avenue to the southerly side of Twentieth street; thence southeasterly along the southerly side of Twentieth street to the westerly line of Tenth avenue; thence southwesterly along the westerly line of Tenth avenue to the southerly side of Twenty-second

street, as laid down on the commissioners' map of the city of Brooklyn; thence southeasterly along the southerly side of Twenty-second street, as so laid down, to the line separating the former town of Flatbush from the city of Brooklyn; thence along said boundary line in all its directions to the center line of Flatbush avenue; thence northwesterly along Flatbush avenue to a point on the Plaza opposite the center of Ninth avenue; thence southwesterly along the center of Ninth avenue to the center of Carroll street; thence northwesterly to the center of Seventh avenue; thence southwesterly to the center of Garfield place; thence northwesterly to the center of Fourth avenue; thence southwesterly to the center of First street; thence northwesterly to the center of Second avenue; thence southwesterly to the center line of the Gowanus canal; thence southwesterly along the Gowanus canal to the place of beginning. Comprises part of twenty-second ward and part of former eighth ward of the city of Brooklyn; 40,682 inhabitants excluding aliens.

*Thirteenth district.*—Beginning at a point at the center of the intersection of South Second street and Rodney street; running thence southeast to the center of Hooper street; thence northerly to the center of Grand street; thence easterly to the center of Graham avenue; thence southerly to the center of Manjer street; thence westerly to the center of Ewen street; thence southerly to the center of Ten Eyck street; thence easterly to the center of Bushwick avenue; thence northerly to the center of North Second street; thence westerly to the center of Humboldt street; thence northerly to the center of Richardson street; thence westerly to the junction of the center lines of Ewen and Richardson streets and Meeker avenue; thence northeasterly along the center of Meeker avenue to its intersection with the boundary line separating the county of Kings and the county of Queens; thence northwesterly along said boundary line to its intersection with the center line of Leyden street; thence southerly to the center of Greene street; thence westerly to the center of Oakland street; thence southerly to the center of Huron street; thence westerly to the center of Manhattan avenue; thence southeasterly to the center of Nassau avenue; thence southwesterly to the center of North Fourteenth street; thence southeasterly to the junction of the center lines of North Fourteenth street, Van Cott avenue and Van Pelt avenue; thence southwesterly to the center of Union avenue; thence southeasterly to the center of North Second street; thence westerly to the center of Rodney street; thence southerly to the place of beginning. Comprises part of the seventeenth ward and part of the fifteenth ward of the city of Brooklyn; 45,106 inhabitants excluding aliens.

Thirteenth  
assembly  
district,  
Kings.

*Fourteenth district.*—Beginning at a point on the bound-

Fourteenth  
assembly

district,  
Kings.

ary line of the county of Kings on the East river where the same would be intersected by a line drawn through the center of Grand street; running thence southeasterly to the center of Rodney street; thence northeasterly to the intersection of North Second and Rodney streets; thence easterly along the center of North Second street to the center of Union avenue; thence northerly to the center of Driggs avenue; thence northeasterly to the junction of North Fourteenth street, Van Pelt avenue and Driggs avenue; thence northwesterly along the center of North Fourteenth street to the junction of Berry street with Nassau avenue; thence northeasterly along the center of Nassau avenue to the center of Manhattan avenue; thence northerly to the center of Huron street; thence easterly to the center of Oakland street; thence northerly to the center of Greene street; thence easterly to the center of Leyden street; thence northerly to the boundary line separating the county of Kings and the county of Queens; thence westerly along said boundary line continuing along the boundary line of the county of Kings on the East river; thence southerly to the place of beginning. Comprises the fourteenth ward and part of seventeenth ward of the city of Brooklyn; 45,539 inhabitants excluding aliens.

Fifteenth  
assembly  
district,  
Kings.

*Fifteenth district.*—Beginning at a point at the center of the intersection of South Second and Rodney streets; running thence southeasterly to the center of Hooper street; thence northerly to the center of Grand street; thence easterly to the center of Graham avenue; thence southerly to the center of Maujer street; thence westerly to the center of Ewen street; thence southerly to the center of Ten Eyck street; thence easterly to the center of Bushwick avenue or road, as the same was originally laid down on the commissioners' map of the town of Bushwick; thence along the center line of said Bushwick avenue or road, to its point of junction with the center line of Flushing avenue; thence southwestwardly to the center line of Broadway; thence northwesterly to the center line of Rodney street, thence northerly to the place of beginning. Comprises the sixteenth ward and part of fifteenth ward of the city of Brooklyn; 45,943 inhabitants excluding aliens.

Sixteenth  
assembly  
district,  
Kings.

*Sixteenth district.*—Beginning at a point formed by the junction of the center lines of Lafayette and Stuyvesant avenues; running thence easterly along the center of Lafayette avenue to its intersection by the center line of Broadway; thence southeasterly along the center of Broadway to the boundary line between the city of Brooklyn and the former town of New Lots; thence southerly along said boundary line to its intersection by the center line of Atlantic avenue; thence westerly to the center of Schenectady avenue; thence northerly to the center of Fulton street; thence easterly to the center of Stuyvesant avenue; thence northerly to the place

of beginning. Comprises the twenty-fifth ward and part of the twenty-third ward, defined by a line along the center of Stuyvesant and Schenectady avenues of the city of Brooklyn; 37,981 inhabitants excluding aliens.

*Seventeenth district.*— Beginning at a point formed by the junction of the center lines of Lafayette and Stuyvesant avenues; running thence southerly to the center of Bainbridge street; thence westerly to the center of Sumner avenue; thence northerly to the center of McDonough street; thence westerly to the center of Tompkins avenue; thence southerly to the center of Fulton street; thence westerly to the center of New York avenue; thence southerly to the center of Atlantic avenue; thence westerly to the center of Franklin avenue; thence northerly to the center of Breevoort place; thence easterly to the center of Bedford avenue; thence northerly to the center of Lafayette avenue; thence easterly along the center of Lafayette avenue to the place of beginning. Comprises the twenty-third ward, election districts one to twenty of the former twenty-third ward, and districts one, part of four, and all of fifth, sixth, seventh, fifteenth, sixteenth, seventeenth and eighteenth of the former twenty-fifth ward of the city of Brooklyn; 37,641 inhabitants excluding aliens.

Seventeenth  
assembly  
district,  
Kings.

*Eighteenth district.*— Beginning at a point formed by the junction of Franklin and Atlantic avenues; running thence easterly along the center of Atlantic avenue, to the center of New York avenue; thence northerly to the center of Fulton street; thence easterly to the center of Tompkins avenue; thence northerly to the center of McDonough street; thence easterly to the center of Sumner avenue; thence southerly to the center of Bainbridge street; thence easterly to the center of Stuyvesant avenue; thence southerly to the center of Fulton street; thence westerly to the center of Schenectady avenue; thence southerly to the center of Atlantic avenue; thence easterly to the boundary line between the city of Brooklyn and the former town of New Lots; thence westerly along said boundary line to its point of junction with the boundary line of the former town of Flatbush; thence southerly along said boundary line to its junction with the boundary line of the town of Flatlands; thence northeasterly and again easterly and southerly in all its directions along the boundary line of the town of Flatlands; thence southerly and northerly along the boundary line separating the town of Flatlands and the former town of New Lots, continuing the said line in all its directions along the boundary line of the county of Kings formed by or on the waters of Jamaica bay and Atlantic ocean, to its meeting with the boundary line separating the former towns of Flatbush and Gravesend; thence along said boundary line in all its directions to the boundary line separating the former towns of Flatbush and New Utrecht;

Eighteenth  
assembly  
district,  
Kings.



thence along said boundary line in all its directions to its junction with the boundary line separating the said former town of Flatbush from the city of Brooklyn; thence along said line in all its directions to its intersection by the center line of Franklin avenue; thence to the place of beginning. Comprises the twenty-fourth and twenty-ninth wards, the town of Flatlands and part of twenty-third ward of the city of Brooklyn; 37,504 inhabitants excluding aliens.

Nineteenth  
assembly  
district,  
Kings.

*Nineteenth district.*—Beginning at the center of the intersection of Richardson street and Meeker avenue; running thence in a northeasterly direction along the center of Meeker avenue to the boundary line between the county of Kings and the county of Queens; thence southerly in all its directions along said boundary line to its junction with the center line of Jefferson street; thence westerly to the center of Evergreen avenue; thence southerly to the center of Troutman street; thence northeasterly to the center of Central avenue; thence southeasterly to the center of Cedar street; thence westerly to the center of Bushwick avenue; thence southeasterly to the intersection of the center of Lafayette avenue; thence westerly to the center of Broadway; thence northwesterly to the center of Flushing avenue; thence easterly to the intersection of Flushing and Bushwick avenues; thence in a northerly, northwesterly, northeasterly, and again northwesterly direction along the center of Bushwick avenue to the center of the intersection of Bushwick avenue and North Second street; thence westerly along the center of North Second street to Humboldt street; thence northerly along the center of Humboldt street to the center of the intersection of Humboldt and Richardson streets; thence northwesterly along the center of Richardson street to the place of beginning. Comprises the eighteenth ward and parts of the twenty-seventh and twenty-eighth wards of the city of Brooklyn; 39,538 inhabitants excluding aliens.

Twentieth  
assembly  
district,  
Kings.

*Twentieth district.*—Beginning at a point formed by the junction of the center lines of Broadway and Cooper avenue; running thence northeasterly to the center of Evergreen avenue; thence northwesterly to the center of Hancock street; thence northeasterly to the center of Central avenue; thence northwesterly to the center of Linden street; thence northeasterly to the center of Knickerbocker avenue; thence southeasterly to the center of Putnam avenue; thence northeasterly to its junction with the boundary line of the county of Kings and the county of Queens; thence northerly to the center of Jefferson street; thence southwesterly to the center of Evergreen avenue; thence southeasterly to the center of Troutman street; thence northeasterly to the center of Central avenue; thence southeasterly to the center of Cedar street; thence southwesterly to the center of Bushwick avenue;

thence southeasterly to the center of Lafayette avenue; thence southwesterly to the center of Broadway; thence southeasterly to the place of beginning. Comprises part of the twenty-eighth ward and part of the twenty-seventh ward in the city of Brooklyn; 38,836 inhabitants excluding aliens.

*Twenty-first district.*—Beginning at a point formed by the junction of the center lines of Broadway and Cooper avenue; running thence northeasterly to the center of Evergreen avenue; thence northwesterly to the center of Hancock street; thence northeasterly to the center of Central avenue; thence northwesterly to the center of Linden street; thence northeasterly to the center of Knickerbocker avenue; thence southeasterly to the center of Putnam avenue; thence along the center line of Putnam avenue to its point of junction with the boundary line between the county of Kings and the county of Queens; running thence southeasterly along the said boundary line and again northeasterly along said boundary line, and again southerly along said boundary line, and again along the southerly boundary line of the former town of New Lots to its junction with the boundary line of the town of Flatlands; thence northerly, westerly and again northerly and westerly, and southwesterly, and again northerly to the junction of said boundary line with the boundary line of the former town of Flatbush; thence northeasterly along said boundary line to its intersection by the center line of Broadway; thence northwesterly along the center line of Broadway to the place of beginning. Comprises the twenty-sixth ward and part of twenty-eighth ward of the city of Brooklyn; 38,738 inhabitants excluding aliens.

Twenty-first assembly district, Kings.

LEWIS COUNTY — ONE DISTRICT.

LIVINGSTON COUNTY — ONE DISTRICT.

MADISON COUNTY — ONE DISTRICT.

#### MONROE COUNTY.

*First district.*—Towns of Brighton, Henrietta, Irondequoit, Mendon, Penfield, Perinton, Pittsford, Rush, Webster and sixteenth, seventeenth and eighteenth wards of the city of Rochester; 44,583 inhabitants excluding aliens.

First assembly district.

*Second district.*—The fourth, sixth, seventh, eighth, twelfth, thirteenth and fourteenth wards of the city of Rochester; 45,414 inhabitants excluding aliens.

Second assembly district.

*Third district.*—The first, second, third, fifth, ninth, tenth and eleventh wards of the city of Rochester; 44,733 inhabitants excluding aliens.

Third assembly district.

*Fourth district.*—Towns of Chili, Clarkson, Gates, Greece, Hamlin, Ogden, Parma, Riga, Sweden and Wheatland and the fifteenth, nineteenth and twentieth wards of the city of Rochester; 45,730 inhabitants excluding aliens.

Fourth assembly district.

## MONTGOMERY COUNTY — ONE DISTRICT.

## NEW YORK COUNTY.

First  
assembly  
district.  
New York.

*First district.*— That portion of the tenth senate district within and bounded by a line beginning at the Hudson or North river and Canal street; running thence along Canal street to Hudson street, to Dominick street, to Varick street, to Broome street, to Sullivan street, to Spring street, to Broadway, to Fulton street, to William street, to Wall street, to Broadway, to Whitehall street, to the East river and East and Hudson or North river, to the place of beginning, and also Governor's and Bedloe's island; also Ellis island; 39,740 inhabitants excluding aliens.

Second  
assembly  
district.  
New York.

*Second district.*— That portion of the tenth senate district within and bounded by a line beginning at the East river and Whitehall street; running thence along Whitehall street to Broadway, to Wall street, to William street, to Fulton street, to Broadway, to Canal street, to the Bowery, to Division street, to Market street, to Monroe street, to Catharine street, to the East river, to the place of beginning; 39,785 inhabitants excluding aliens.

Third  
assembly  
district.  
New York.

*Third district.*— That part of the thirteenth senate district within and bounded by a line beginning at the North or Hudson river and Canal street, to Hudson street, to Dominick street, to Varick street, to Broome street, to Sullivan street, to West Houston street, to Varick street, to Carmine street, to Sixth avenue, to West Eleventh street, to Greenwich avenue, to Perry street, to Waverly place, to Charles street, to West street, to place of beginning; 38,544 inhabitants excluding aliens.

Fourth  
assembly  
district.  
New York.

*Fourth district.*— That portion of the tenth senate district within and bounded by a line beginning at the East river and Catharine street, and running thence along Catharine street to Monroe street, to Market street, to Division street, to Grand street, to Jackson street, to the East river, to the place of beginning; 40,427 inhabitants excluding aliens.

Fifth  
assembly  
district.  
New York.

*Fifth district.*— That portion of the thirteenth senate district within and bounded by a line beginning at Sullivan street and Spring street, and along Spring street to Broadway, to East Fourth street, to Third avenue, to Fourteenth street, to Sixth avenue, to West Fifteenth street, to Seventh avenue, to West Nineteenth street, to Eighth avenue, along Eighth avenue to Greenwich avenue, to West Eleventh street, to Sixth avenue, to Carmine street, to Varick street, to West Houston street, to Sullivan street, to Spring street, to the place of beginning; 38,419 inhabitants excluding aliens.

Sixth  
assembly  
district.  
New York.

*Sixth district.*— That portion of the eleventh senate district within and bounded by a line beginning at Canal street and Broadway, and running thence along Broadway to East

Fourth street, to the Bowery, to Third avenue, to St. Mark's place or Eighth street, to Second avenue, to Second street, to First avenue, to Houston street, to Eldridge street, to Stanton street, to Chrystie street, to Division street, to the Bowery, to Canal street, to the place of beginning; 34,410 inhabitants excluding aliens.

*Seventh district.*—That portion of the thirteenth senate district within and bounded by a line beginning at the North or Hudson river, along Charles street to Waverly place, to Perry street, to Greenwich avenue, to Eighth avenue, to West Twentieth street, along West Twentieth street to Hudson or North river, to place of beginning; 38,497 inhabitants excluding aliens.

Seventh  
assembly  
district.  
New York.

*Eighth district.*—That portion of the eleventh senate district within and bounded by a line beginning at Division and Chrystie streets, and running thence along Chrystie street to Stanton street, to Eldridge street, to Houston street, to Ludlow street, to Broome street, to Norfolk street, to Division street, to the place of beginning; 38,781 inhabitants excluding aliens.

Eighth  
assembly  
district.  
New York.

*Ninth district.*—That portion of the sixteenth senate district within and bounded by a line beginning at the Hudson or North river and West Twentieth street, and running thence along West Twentieth street to Eighth avenue, to West Nineteenth street, to Seventh avenue, to West Thirtieth street, to the Hudson or North river; 39,495 inhabitants excluding aliens.

Ninth  
assembly  
district.  
New York.

*Tenth district.*—That portion of the eleventh senate district within and bounded by a line beginning at Second street and Second avenue, and running thence along Second avenue to St. Mark's place or Eighth street to Avenue A, to Seventh street, to Avenue B, to Clinton street, to Rivington street, to Norfolk street, to Broome street, to Ludlow street, to Houston street, to First avenue, to Second street, to the place of beginning; 39,108 inhabitants excluding aliens.

Tenth  
assembly  
district.  
New York.

*Eleventh district.*—That portion of the sixteenth senate district within and bounded by a line beginning at Seventh avenue and West Thirteenth street, and running thence along Seventh avenue to West Thirty-seventh street, to Eighth avenue, to West Thirty-eighth street, to Tenth avenue, to West Thirty-sixth street, to Hudson or North river, to West Thirtieth street, to the place of beginning; 39,868 inhabitants excluding aliens.

Eleventh  
assembly  
district.  
New York.

*Twelfth district.*—That portion of the twelfth senate district within and bounded by a line beginning at the East river and Jackson street, and running thence along Jackson street to Grand street, to Division street, to Norfolk street, to Rivington street, to Cannon street, to Stanton street, to the East river, to the place of beginning; 41,871 inhabitants excluding aliens.

Twelfth  
assembly  
district.  
New York.

Thirteenth  
assembly  
district,  
New York.

*Thirteenth district.*—That portion of the sixteenth senate district within and bounded by a line beginning at the Hudson or North river and West Thirty-sixth streets, and running thence along West Thirty-sixth street to Tenth avenue, to West Thirty-eighth street, to Eighth avenue, to West Thirty-seventh street, to Seventh avenue, to West Fortieth street, to Eighth avenue, to West Forty-third street, to Tenth avenue, to West Forty-sixth street, to the Hudson or North river, to the place of beginning; 39,554 inhabitants excluding aliens.

Fourteenth  
assembly  
district,  
New York.

*Fourteenth district.*—That portion of the twelfth senate district within and bounded by a line beginning at the East river and East Eleventh street, and running thence along East Eleventh street to Avenue C, to Seventh street, to Avenue A, to St. Mark's place or Eighth street, to Third avenue, to Fourteenth street, to the East river, to the place of beginning; 40,697 inhabitants excluding aliens.

Fifteenth  
assembly  
district,  
New York.

*Fifteenth district.*—That portion of the seventeenth senate district within and bounded by a line beginning at the Hudson or North river and West Forty-sixth street, and running thence along West Forty-sixth street to Tenth avenue, to West Forty-third street, to Eighth avenue, to West Fifty-third street, to Ninth avenue, to West Fiftieth street, to Tenth avenue, to West Forty-ninth street, to the Hudson or North river, to the place of beginning; 39,217 inhabitants excluding aliens.

Sixteenth  
assembly  
district,  
New York.

*Sixteenth district.*—That portion of the twelfth senate district within and bounded by a line beginning at the East river and Stanton street, and running thence along Stanton street to Cannon street, to Rivington street, to Clinton street, to Avenue B, to Seventh street, to Avenue C, to East Eleventh street, to the East river, to the place of beginning; 41,264 inhabitants excluding aliens.

Seventeenth  
assembly  
district,  
New York.

*Seventeenth district.*—That portion of the seventeenth senate district within and bounded by a line beginning at the Hudson or North river and West Forty-ninth street, and running thence along West Forty-ninth street to Tenth avenue, to West Fiftieth street, to Ninth avenue, to West Fifty-third street, to Eighth avenue, to West Sixty-first street, to Ninth or Columbus avenue, to West Sixtieth street, to the Hudson or North river, to the place of beginning; 39,086 inhabitants excluding aliens.

Eighteenth  
assembly  
district,  
New York.

*Eighteenth district.*—That portion of the fourteenth senate district within and bounded by a line beginning at the East river and East Fourteenth street, and running thence along East Fourteenth street to Irving place, to East Nineteenth street, to Third avenue, to East Twenty-third street, to Second avenue, to East Twenty-fifth street, to First avenue, to East Twenty-sixth street, to the East river, to the place of beginning; 40,051 inhabitants excluding aliens.

*Nineteenth district.*—That portion of the seventeenth senate district within and bounded by a line beginning at the Hudson or North river and West Sixtieth street, and running thence along West Sixtieth street to Ninth or Columbus avenue, to West Sixty-first street, to Eighth avenue, to West Eighty-first street, to Ninth or Columbus avenue, to West Eighty-sixth street, to Tenth or Amsterdam avenue, to West Eighty-ninth street, to the Hudson or North river, to the place of beginning; 39,120 inhabitants excluding aliens.

Nineteenth  
assembly  
district,  
New York.

*Twentieth district.*—That portion of the fourteenth senate district within and bounded by a line beginning at the East river and East Twenty-sixth street, and running thence along East Twenty-sixth street to First avenue, to East Twenty-fifth street, to Second avenue, to East Twenty-third street, to Lexington avenue, to East Thirty-ninth street, to Third avenue, to East Thirty-seventh street, to Second avenue, to East Thirty-eighth street, to the East river, to the place of beginning; 40,242 inhabitants excluding aliens.

Twentieth  
assembly  
district,  
New York.

*Twenty-first district.*—That portion of the nineteenth senate district within and bounded by a line beginning at the Hudson or North river and West Eighty-ninth street, and running thence along West Eighty-ninth street to Tenth or Amsterdam avenue, to West Eighty-sixth street, to Ninth or Columbus avenue, to West Eighty-first street, to Eighth avenue, to Ninety-seventh street and the transverse road across Central Park at Ninety-seventh street, to Fifth avenue, to West One Hundred and Tenth street, to Seventh avenue, to West One Hundred and Twentieth street, to Western boulevard, to West One Hundred and Nineteenth street, to the Hudson or North river, to the place of beginning; 39,721 inhabitants excluding aliens.

Twenty-  
first assem-  
bly district,  
New York.

*Twenty-second district.*—That portion of the fourteenth senate district within and bounded by a line beginning at the East river and East Thirty-eighth street, and running thence along East Thirty-eighth street to Second avenue, to East Thirty-seventh street, to Third avenue, to East Thirty-ninth street, to Lexington avenue, to East Fifty-third street, to Third avenue, to East Fifty-second street, to the East river, to the place of beginning; 39,514 inhabitants excluding aliens.

Twenty-  
second  
assembly  
district,  
New York.

*Twenty-third district.*—That portion of the nineteenth senate district within and bounded by a line beginning at the Hudson or North river and West One Hundred and Nineteenth street, and running thence along the Hudson or North river and Spuyten Duyvil creek around the northern end of Manhattan Island; thence southerly along the Harlem river to the north end of Fifth avenue; thence along Fifth avenue to West One Hundred and Thirty-fourth street, to Eighth avenue, to West One Hundred and Twentieth street, to Western boulevard, to West One Hundred and Nineteenth

Twenty-  
third  
assembly  
district,  
New York.

street, to the place of beginning; 39,114 inhabitants excluding aliens.

Twenty-fourth assembly district, New York.

*Twenty-fourth district.*—That portion of the eighteenth senate district within and bounded by a line beginning at the East river and East Fifty-second street, and running thence along East Fifty-second street to Third avenue, to East Fifty-third street, to Lexington avenue, to East Sixty-fourth street, to Third avenue, to East Sixty-fifth street, to the East river, to the place of beginning, and also Blackwell's island; 39,463 inhabitants excluding aliens.

Twenty-fifth assembly district, New York.

*Twenty-fifth district.*—That portion of the fifteenth senate district within and bounded by a line beginning at West Fifteenth street and Seventh avenue, and running thence along Seventh avenue to West Thirty-sixth street, to Lexington avenue, to East Twenty-third street, to Third avenue, to East Nineteenth street, to Irving place, to East Fourteenth street, to West Fourteenth street, to Sixth avenue, to West Fifteenth street, to the place of beginning; 39,932 inhabitants excluding aliens.

Twenty-sixth assembly district, New York.

*Twenty-sixth district.*—That portion of the eighteenth senate district within and bounded by a line beginning at the East river and East Sixty-fifth street, and running thence along East Sixty-fifth street to Third avenue, to East Sixty-fourth street, to Lexington avenue, to East Seventy-fifth street, to Third avenue, to East Seventy-sixth street, to the East river, to the place of beginning; 39,383 inhabitants excluding aliens.

Twenty-seventh assembly district, New York.

*Twenty-seventh district.*—That portion of the fifteenth senate district within and bounded by a line beginning at West Thirty-sixth street and Seventh avenue, and running thence along Seventh avenue to West Fortieth street, to Eighth avenue, to West Fifty-third street, to Fifth avenue, to East Fifty-fourth street, to Lexington avenue, to East Thirty-sixth street, to West Thirty-sixth street, to the place of beginning; 40,258 inhabitants excluding aliens.

Twenty-eighth assembly district, New York.

*Twenty-eighth district.*—That portion of the eighteenth senate district within and bounded by a line beginning at the East river and East Seventy-sixth street, and running thence along East Seventy-sixth street to Third avenue, to East Seventy-fifth street, to Lexington avenue, to East Eighty-fourth street, to Second avenue, to East Eighty-third street, to the East river, to the place of beginning; 39,727 inhabitants excluding aliens.

Twenty-ninth assembly district, New York.

*Twenty-ninth district.*—That portion of the fifteenth senate district within and bounded by a line beginning at East Fifty-fourth street and Lexington avenue, and running thence along Lexington avenue to East Ninety-sixth street, to Fifth avenue, to East Ninety-seventh street and the transverse road across Central Park at Ninety-seventh street, to Eighth avenue, to West Fifty-third street, to Fifth avenue, to East

Fifty-fourth street, to the place of beginning; 39,738 inhabitants excluding aliens.

*Thirtieth district.*—That portion of the twentieth senate district within and bounded by a line beginning at the East river and East Eighty-third street, and running thence along East Eighty-third street to Second avenue, to East Eighty-fourth street, to Lexington avenue, to East Ninety-second street, to Third avenue, to East Ninety-fourth street, to the East river, to the place of beginning; 39,494 inhabitants excluding aliens. Thirtieth assembly district, New York.

*Thirty-first district.*—That portion of the nineteenth senate district within and bounded by a line beginning at West One Hundred and Tenth street and Seventh avenue, and running thence along Seventh avenue to West One Hundred and Twentieth street, to Eighth avenue, to West One Hundred and Thirty-fourth street, to Fifth avenue, to East One Hundred and Twenty-ninth street, to Fourth or Park avenue, to East One Hundred and Tenth street, to West One Hundred and Tenth street, to the place of beginning; 39,142 inhabitants excluding aliens. Thirty-first assembly district, New York.

*Thirty-second district.*—That portion of the twentieth senate district within and bounded by a line beginning at the East river and East Ninety-fourth street, and running thence along East Ninety-fourth street to Third avenue, to East Ninety-second street, to Lexington avenue, to East Ninety-sixth street, to Fifth avenue, to East One Hundred and Tenth street, to Madison avenue, to East One Hundred and Eighth street, to the Harlem river, to the place of beginning, and also Ward's island; 39,384 inhabitants excluding aliens. Thirty-second assembly district, New York.

*Thirty-third district.*—That portion of the twentieth senate district within and bounded by a line beginning at the Harlem river and East One Hundred and Eighth street, and running thence along East One Hundred and Eighth street to Madison avenue, to East One Hundred and Tenth street, to Fourth or Park avenue, to East One Hundred and Nineteenth street, to the Harlem river, to the place of beginning, and also Randall's island; 38,751 inhabitants excluding aliens. Thirty-third assembly district, New York.

*Thirty-fourth district.*—That portion of the twenty-first senate district within and bounded by a line beginning at the Harlem river and East One Hundred and Nineteenth street, and running thence along East One Hundred and Nineteenth street to Fourth or Park avenue, to East One Hundred and Twenty-ninth street, to Fifth avenue, to the Harlem river, to the place of beginning, together with that portion of the twenty-third ward of the city of New York within and bounded by a line beginning at the Harlem river and East One Hundred and Forty-ninth street, and running thence along East One Hundred and Forty-ninth street to Railroad avenue, to East One Hundred and Forty-sixth street, to Third ave- Thirty-fourth assembly district, New York.



nue, to East One Hundred and Forty-ninth street, to Bungay street, to the East river or Long Island sound, to Bronx Kill, to Harlem river, to the place of beginning, and also North Brothers' island; 51,322 inhabitants excluding aliens.

Thirty-fifth  
assembly  
district,  
New York.

*Thirty-fifth district.*—That portion of the twenty-third and twenty-fourth wards of the city and county of New York lying within the twenty-first senate district, not hereinbefore bounded and described; 50,642 inhabitants excluding aliens.

#### NIAGARA COUNTY.

First  
assembly  
district.

*First district.*—City of Lockport and towns of Lockport, Cambria, Pendleton, Royalton and Wheatfield; 34,247 inhabitants excluding aliens.

Second  
assembly  
district.

*Second district.*—City of Niagara Falls and towns of Niagara, Lewiston, Porter, Wilson, Newfane, Somerset and Hartland; 24,892 inhabitants excluding aliens.

#### ONEIDA COUNTY.

First  
assembly  
district.

*First district.*—Town and city of Utica; 42,820 inhabitants excluding aliens.

Second  
assembly  
district.

*Second district.*—Towns of Augusta, Bridgewater, Kirkland, Marshall, New Hartford, Paris, Sangerfield, Vernon, Verona, Westmoreland and Whitestone; 34,158 inhabitants excluding aliens.

Third  
assembly  
district.

*Third district.*—Towns of Annsville, Ava, Boonville, Camden, Deerfield, Florence, Floyd, Forestport, Lee, Marcy, Remsen, town and city of Rome, Steuben, Trenton, Vienna and Western; 40,056 inhabitants excluding aliens.

#### ONONDAGA COUNTY.

First  
assembly  
district.

*First district.*—Towns of Clay, Lysander, Van Buren, Elbridge, Camillus, Geddes, Skaneateles, Marcellus, Onondaga, Otisco, Spafford, Tully and La Fayette; 36,002 inhabitants excluding aliens.

Second  
assembly  
district.

*Second district.*—Towns of Cicero, Salina, De Witt, Manlius, Pompey and Fabius and the first, second and sixteenth wards of the city of Syracuse; 35,602 inhabitants excluding aliens.

Third  
assembly  
district.

*Third district.*—The third, fourth, seventh, eighth, twelfth, fourteenth and fifteenth wards of the city of Syracuse; 24,829 inhabitants excluding aliens.

Fourth  
assembly  
district.

*Fourth district.*—The fifth, sixth, ninth, tenth, eleventh, thirteenth, seventeenth, eighteenth and nineteenth wards of the city of Syracuse; 35,291 inhabitants excluding aliens.

#### ONTARIO COUNTY — ONE DISTRICT.

#### ORANGE COUNTY.

First  
assembly  
district.

*First district.*—City of Newburgh, Cornwall, New Windsor, Highlands, Montgomery, Monroe, Blooming Grove,

Crawford and Hamptonburgh; 47,082 inhabitants excluding aliens.

*Second district.*—City of Middletown, towns of Deerpark, Greenville, Mount Hope, Wawayanda, Minisink, Goshen, Wallkill, Chester, Warwick, Woodbury and Tuxedo; 46,109 inhabitants excluding aliens. Second assembly district.

#### ORLEANS COUNTY — ONE DISTRICT.

##### OSWEGO COUNTY.

*First district.*—First, third, fifth and seventh wards of the city of Oswego, towns of Oswego, Hannibal, Granby, Volney, Schroepel, Palermo, Hastings and West Monroe; 35,440 inhabitants excluding aliens. First assembly district.

*Second district.*—Second, fourth, sixth and eighth wards of the city of Oswego, towns of Scriba, New Haven, Mexico, Richland, Sandy Creek, Boylston, Redfield, Orwell, Albion, Williamstown, Parish, Amboy and Constantia; 34,583 inhabitants excluding aliens. Second assembly district.

#### OTSEGO COUNTY — ONE DISTRICT.

#### PUTNAM COUNTY — ONE DISTRICT.

##### QUEENS COUNTY.

*First district.*—City of Long Island City and town of Newtown; 46,195 inhabitants excluding aliens. First assembly district.

*Second district.*—Towns of Flushing and Jamaica; 34,030 inhabitants excluding aliens. Second assembly district.

*Third district.*—Towns of Hempstead, Oyster Bay and North Hempstead; 43,590 inhabitants excluding aliens. Third assembly district.

##### RENSSELAER COUNTY.

*First district.*—Towns of Lansingburgh, Schaghticoke, Pittstown and Hoosick, and the tenth and thirteenth wards of the city of Troy; 38,610 inhabitants excluding aliens. First assembly district.

*Second district.*—The first, second, third, fourth, sixth, seventh, eighth, ninth, eleventh and twelfth wards of the city of Troy; 41,903 inhabitants excluding aliens. Second assembly district.

*Third district.*—Towns of Berlin, Brunswick, Grafton, Petersburg, Poestenkill, Sandlake, Stephentown, Nassau, North Greenbush, East Greenbush, Greenbush, Schodack, and the fifth ward of the city of Troy; 39,810 inhabitants excluding aliens. Third assembly district.

#### RICHMOND COUNTY — ONE DISTRICT.

#### ROCKLAND COUNTY — ONE DISTRICT.

##### ST. LAWRENCE COUNTY.

*First district.*—Town of Oswegatchie, including the city of Ogdensburg, and the four wards thereof, and the towns of First assembly district.

Waddington, Madrid, Lisbon, DePeyster, DeKalb, Morristown, Macomb, Hammond, Rossie, Gouverneur, Fowler, Edwards, Pitcairn and Fine; 40,682 inhabitants excluding aliens.

Second  
assembly  
district.

*Second district.*—Towns of Canton, Potsdam, Stockholm, Norfolk, Louisville, Massena, Brasher, Lawrence, Parishville, Hopkinton, Colton, Clifton, Clare, Pierrepont, Russell and Hermon; 39,996 inhabitants excluding aliens.

SARATOGA COUNTY — ONE DISTRICT.

SCHENECTADY COUNTY — ONE DISTRICT.

SCHOHARIE COUNTY — ONE DISTRICT.

SCHUYLER COUNTY — ONE DISTRICT.

SENECA COUNTY — ONE DISTRICT.

#### STEUBEN COUNTY.

First  
assembly  
district.

*First district.*—Towns of Addison, Bath, Bradford, Campbell, Caton, Corning, Erwin, Hornby, Lindley, Prattsburgh, Pultney, Thurston, Tuscarora, Urbana, Wayne and Wheeler, and the city of Corning; 40,157 inhabitants excluding aliens.

Second  
assembly  
district.

*Second district.*—Towns of Avoca, Cameron, Canisteo, Dansville, Fremont, Greenwood, Hartsville, Cohocton, Hornellsville, Howard, Jasper, Rathbone, Troupsburgh, Wayland, West Union and Woodhull, and the city of Hornellsville; 41,208 inhabitants, excluding aliens.

#### SUFFOLK COUNTY.

First  
assembly  
district.

*First district.*—Towns of Brookhaven, Easthampton, Riverhead, Shelter Island, Southold and Southampton.

Second  
assembly  
district.

*Second district.*—Towns of Babylon, Islip, Huntington and Smithtown.

SULLIVAN COUNTY — ONE DISTRICT.

TIOGA COUNTY — ONE DISTRICT.

TOMPKINS COUNTY — ONE DISTRICT.

#### ULSTER COUNTY.

First  
assembly  
district.

*First district.*—City of Kingston, towns of Kingston, Hurley, Saugerties, Shandaken, Ulster and Woodstock; 42,609 inhabitants excluding aliens.

Second  
assembly  
district.

*Second district.*—Towns of Denning, Esopus, Gardiner, Hardenburgh, Lloyd, Marbletown, Marlborough, New Paltz, Olive, Plattekill, Rochester, Rosendale, Shawangunk and Wawarsing; 44,911 inhabitants excluding aliens.

WARREN COUNTY — ONE DISTRICT.

WASHINGTON COUNTY — ONE DISTRICT.

WAYNE COUNTY — ONE DISTRICT.

#### WESTCHESTER COUNTY.

*First district.*— Towns of Yonkers, Greenburg, Mount Pleasant and East Chester; 49,919 inhabitants excluding aliens. First assembly district.

*Second district.*— Towns of Mount Vernon, Pelham, New Rochelle, Mamaroneck, Rye, White Plains, Scarsdale, North Castle and Harrison; 47,094 inhabitants excluding aliens. Second assembly district.

*Third district.*— Towns of Cortlandt, Bedford, Lewisboro, New Castle, North Salem, Ossining, Poundridge, Somers and Yorktown; 36,344 inhabitants excluding aliens. Third assembly district.

WYOMING COUNTY — ONE DISTRICT.

YATES COUNTY — ONE DISTRICT.

### CONGRESSIONAL DISTRICTS OF THE STATE OF NEW YORK.

[AS ESTABLISHED BY CHAP. 295, LAWS OF 1892.\*]

*First district.*— The counties of Suffolk and Queens.

*Second district.*— The first, second, fifth, sixth, seventh, eleventh and twentieth wards of the city of Brooklyn.

*Third district.*— The third, fourth, ninth, tenth, twenty-second and twenty-third wards of the city of Brooklyn and the town of Flatbush.

*Fourth district.*— The eighth, twelfth, twenty-fourth, twenty-fifth and twenty-sixth wards of the city of Brooklyn and the towns of Flatlands, Gravesend and New Utrecht.

*Fifth district.*— The eighteenth, nineteenth, twenty-first, twenty-seventh and twenty-eighth wards of the city of Brooklyn.

*Sixth district.*— The thirteenth, fourteenth, fifteenth, sixteenth and seventeenth wards of the city of Brooklyn.

*Seventh district.*— The county of Richmond and the first and fifth assembly districts of the county of New York.

*Eighth district.*— The second, third and seventh assembly districts of the county of New York.

*Ninth district.*— The fourth, sixth and eighth assembly districts of the county of New York.

*Tenth district.*— The ninth, thirteenth and fifteenth assembly districts of the county of New York.

\* The words "assembly district," and the word "ward" or "wards" when used in this act are understood to refer to the assembly districts of the ward as constituted at the time of the passage of chapter 295, Laws of 1892.

*Eleventh district.*—The tenth, twelfth and fourteenth assembly districts of the county of New York.

*Twelfth district.*—The eleventh, sixteenth and eighteenth assembly districts of the county of New York.

*Thirteenth district.*—The seventeenth and twentieth assembly districts of the county of New York, and that portion of the twenty-first assembly district below the center of Fifty-ninth street in the city of New York.

*Fourteenth district.*—The nineteenth assembly district of the county of New York, that portion of the twenty-first assembly district between the center of Fifty-ninth street and the center of Seventy-ninth street, and that portion of the twenty-second assembly district below the center of Seventy-ninth street in the city of New York.

*Fifteenth district.*—That portion of the twenty-first assembly district between the center of Seventy-ninth street and the center of Eighty-sixth street; that portion of the twenty-second district above the center of Seventy-ninth street in the city of New York, and the twenty-third assembly district of the county of New York.

*Sixteenth district.*—The twenty-fourth assembly district of the county of New York and the county of Westchester.

*Seventeenth district.*—The counties of Orange, Rockland and Sullivan.

*Eighteenth district.*—The counties of Dutchess, Putnam and Ulster.

*Nineteenth district.*—The counties of Columbia and Rensselaer.

*Twentieth district.*—The county of Albany.

*Twenty-first district.*—The counties of Greene, Montgomery, Otsego, Schenectady, Schoharie.

*Twenty-second district.*—The counties of Fulton and Hamilton, St. Lawrence and Saratoga.

*Twenty-third district.*—The counties of Clinton, Essex, Franklin, Warren and Washington.

*Twenty-fourth district.*—The counties of Jefferson, Lewis and Oswego.

*Twenty-fifth district.*—The counties of Herkimer and Oneida.

*Twenty-sixth district.*—The counties of Broome, Chenango, Delaware, Tioga and Tompkins.

*Twenty-seventh district.*—The counties of Madison and Onondaga.

*Twenty-eighth district.*—The counties of Cayuga, Cortland, Ontario, Wayne and Yates.

*Twenty-ninth district.*—The counties of Chemung, Schuyler, Seneca and Steuben.

*Thirtieth district.*—The counties of Genesee, Livingston, Niagara, Orleans and Wyoming.

*Thirty-first district.*—The county of Monroe.

*Thirty-second district.*—The first, second, third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, nineteenth and twentieth wards of the city of Buffalo.

*Thirty-third district.*—The fifteenth, sixteenth, seventeenth, eighteenth, twenty-first, twenty-second, twenty-third, twenty-fourth and twenty-fifth wards of the city of Buffalo, and the fourth and fifth assembly districts of the county of Erie.

*Thirty-fourth district.*—The counties of Allegany, Cattaraugus and Chautauqua.

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### JUDICIAL DISTRICTS.

The state is divided into eight judicial districts, numbered and composed of the territory, respectively, as follows:

*First.*—The city of New York.

*Second.*—The counties of Richmond, Suffolk, Queens, Kings, Westchester, Orange, Rockland, Putnam and Dutchess.

*Third.*—The counties of Columbia, Sullivan, Ulster, Greene, Albany, Schoharie and Rensselaer.

*Fourth.*—The counties of Warren, Saratoga, Washington, Essex, Franklin, Saint Lawrence, Clinton, Montgomery, Hamilton, Fulton and Schenectady.

*Fifth.*—The counties of Onondaga, Oswego, Oneida, Herkimer, Jefferson and Lewis.

*Sixth.*—The counties of Otsego, Delaware, Madison, Chenango, Broome, Tioga, Chemung, Tompkins, Cortland and Schuyler.

*Seventh.*—The counties of Livingston, Wayne, Seneca, Yates, Ontario, Steuben, Monroe and Cayuga.

*Eighth.*—The counties of Erie, Chautauqua, Cattaraugus, Orleans, Niagara, Genesee, Allegany and Wyoming.

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### SCHOOL COMMISSIONER DISTRICTS.

The districts as organized in the different counties on the first day of January, 1889, are as follows:

#### ALBANY COUNTY.

*First district.*—Towns of Bethlehem, Coeymans and New Scotland.

*Second district.*—Towns of Berne, Rensselaerville and Westerlo.

*Third district.*—Towns of Guilderland, Knox and Watervliet.

The city of Albany is organized under a special school act.

The city of Cohoes is organized under a special school act.

#### ALLEGANY COUNTY.

*First district.*—Towns of Allen, Almond, Angelica, Belfast, Birdsall, Burns, Caneadea, Centreville, Granger, Grove, Hume, New Hudson, Rushford and West Almond.

*Second district.*—Towns of Alfred, Alma, Amity, Andover, Bolivar, Clarksville, Cuba, Friendship, Genesee, Independence, Scio, Ward, Wellsville, Willing and Wirt.

#### BROOME COUNTY.

*First district.*—Towns of Chenango, Colesville, Conklin, Fenton, Kirkwood, Sanford and Windsor.

*Second district.*—Towns of Barker, Binghamton, Lisle, Maine, Nanticoke, Triangle, Union and Vestal.

The city of Binghamton is organized under a special school act.

#### CATTARAUGUS COUNTY.

*First district.*—Towns of Allegany, Ashford, Ellicottville, Farmersville, Franklinville, Freedom, Hinsdale, Humphrey, Ischua, Lyndon, Machias, Olean, Portville and Yorkshire.

*Second district.*—Towns of Carrollton, Coldspring, Conewango, Dayton, East Otto, Elko, Great Valley, Leon, Little Valley, Mansfield, Napoli, New Albion, Otto, Perrysburgh, Persia, Randolph, Red House, Salamanca and South Valley.

#### CAYUGA COUNTY.

*First district.*—Towns of Brutus, Cato, Conquest, Ira, Metz, Montezuma, Sennett, Sterling, Throop and Victory.

*Second district.*—Towns of Aurelius, Fleming, Genoa, Ledyard, Locke, Moravia, Niles, Owasco, Scipio, Sempronius, Summer Hill, Springport and Venice.

The city of Auburn is organized under a special school act.

#### CHAUTAUQUA COUNTY.

*First district.*—Towns of Busti, Chautauqua, Clymer, French Creek, Harmony, Mina and Sherman.

*Second district.*—Towns of Arkwright, Hanover, Pomfret, Portland, Ripley, Sheridan, Villenova and West Field.

*Third district.*—Towns of Carroll, Charlotte, Cherry Creek, Ellery, Ellicott, Ellington, Gerry, Kiantone, Poland and Stockton.

The city of Dunkirk is organized under a special school act.

The city of Jamestown is organized under a special school act.

#### CHEMUNG COUNTY.

Comprises a single district.

The city of Elmira is organized under a special school act.

#### CHEMUNGO COUNTY.

*First district.*—Towns of Columbus, Lincklaen, New Berlin, North Norwich, Norwich, Otselec, Pharsalia, Pitcher, Plymouth, Sherburne and Smyrna.

*Second district.*—Towns of Afton, Bainbridge, Coventry, Greene, German, Guilford, McDonough, Oxiord, Preston and Smithville.

#### CLINTON COUNTY.

*First district.*—Towns of Ausable, Black Brook, Dannemora, Peru, Plattsburgh, Saranac and Schuyler Falls.

*Second district.*—Towns of Altoona, Beekmantown, Champlain, Chazy, Clinton, Ellenburgh and Mooers.

#### COLUMBIA COUNTY.

*First district.*—Towns of Ancram, Claverack, Clermont, Copake, Gallatin, Germantown, Greenport, Livingston and Taghkanic.

*Second district.*—Towns of Austerlitz, Canaan, Chatham, Ghent, Hillsdale, Kinderhook, New Lebanon, Stockport and Stuyvesant.

The city of Hudson is organized under a special school act.

#### CORTLAND COUNTY.

*First district.*—Towns of Cincinnatus, Cortlandville, Freetown, Harford, Lapeer, Marathon, Virgil and Willett.

*Second district.*—Towns of Ouyler, Homer, Preble, Scott, Solon, Taylor and Truxton.

#### DELAWARE COUNTY.

*First district.*—Towns of Colchester, Deposit, Franklin, Hamden, Hancock, Masonville, Sydney, Tompkins and Walton.

*Second district.*—Towns of Andes, Bovina, Davenport, Delhi, Harpersfield, Kortright, Meredith, Middletown, Roxbury and Stamford.



## DUTCHESS COUNTY.

*First district.*—Towns of Amenia, Beekman, Dover, East Fishkill, Fishkill, LaGrange, Northeast, Pawling, Pine Plains, Stanford, Union Vale, Wappinger and Washington.

*Second district.*—Towns of Clinton, Hyde Park, Milan, Pleasant Valley, Poughkeepsie, Redhook and Rhinebeck.

The city of Poughkeepsie is organized under a special school act.

## ERIE COUNTY.

*First district.*—Towns of Alden, Amherst, Cheektowaga, Clarence, Grand Island, Lancaster, Newstead and Tonawanda.

*Second district.*—Towns of Aurora, East Hamburg, Eden, Elma, Evans, Hamburg, Marilla, Wales and West Seneca.

*Third district.*—Towns of Boston, Brant, Colden, Concord, Collins, Holland, North Collins and Sardinia.

The city of Buffalo is organized under a special school act.

## ESSEX COUNTY.

*First district.*—Towns of Chesterfield, Elizabethtown, Essex, Jay, Keene, Lewis, North Elba, St. Armand, Willsborough and Wilmington.

*Second district.*—Towns of Crown Point, Minerva, Moriah, Newcomb, North Hudson, Schroon, Ticonderoga and Westport.

## FRANKLIN COUNTY.

*First district.*—Towns of Bellmont, Brighton, Burke, Chateaugay, Duane, Franklin, Harriestown and Malone.

*Second district.*—Towns of Altamont, Bangor, Bombay, Brandon, Constable, Dickinson, Fort Covington, Moira, Waverly and Westville.

## FULTON COUNTY.

Comprises a single district, excluding Gloversville.

The city of Gloversville is organized under a special school act.

## GENESEE COUNTY.

Comprises a single district.

## GREENE COUNTY.

*First district.*—Towns of Athens, Cairo, Catskill, Halcott, Hunter, Jewett and Lexington.

*Second district.*—Towns of Ashland, Coxsackie, Durham, Greenville, New Baltimore, Prattsville and Windham.

## HAMILTON COUNTY.

Comprises a single district.

## HERKIMER COUNTY.

*First district.*—Towns of Fairfield, Herkimer, Little Falls, Manheim, Newport, Norway, Ohio, Russia, Salisbury and Wilmurt.

*Second district.*—Towns of Columbia, Danube, Frankfort, German Flats, Litchfield, Schuyler, Stark, Warren and Winfield.

## JEFFERSON COUNTY.

*First district.*—Towns of Adams, Brownville, Ellisburgh, Henderson, Hounsfield, Lorraine, Rodman and Worth.

*Second district.*—Towns of Antwerp, Champion, Le Ray, Philadelphia, Rutland, Watertown and Wilna.

*Third district.*—Towns of Alexandria, Cape Vincent, Clayton, Lyme, Orleans, Pamela and Theresa.

The city of Watertown is organized under a special school act.

## KINGS COUNTY.

Comprises a single district, excluding the city of Brooklyn.

The city of Brooklyn is organized under a special school act.

## LEWIS COUNTY.

*First district.*—Towns of Greig, High Market, Lewis, Leyden, Lyonsdale, Martinsburgh, Osceola, Turin and West Turin.

*Second district.*—Towns of Croghan, Denmark, Diana, Harrisburgh, Lowville, Montague, New Bremen, Pinckney and Watson.

## LIVINGSTON COUNTY.

*First district.*—Towns of Avon, Caledonia, Conesus, Geneseo, Groveland, Leicester, Lima, Livonia and York.

*Second district.*—Towns of Mount Morris, North Dansville, Nunda, Ossian, Portage, Sparta, Springwater and West Sparta.

## MADISON COUNTY.

*First district.*—Towns of Brookfield, De Ruyter, Eaton, Georgetown, Hamilton, Lebanon, Madison and Nelson.

*Second district.*—Towns of Cazenovia, Fenner, Lenox, Smithfield, Stockbridge and Sullivan.

## MONROE COUNTY.

*First district.*—Towns of Brighton, Henrietta, Irondequoit, Mendon, Penfield, Perrinton, Pittsford, Rush and Webster.

*Second district.*—Towns of Clarkson, Chili, Gates, Greece, Hamlin, Ogden, Parma, Riga, Sweden and Wheatland.

The city of Rochester is organized under a special school act.

#### MONTGOMERY COUNTY.

Comprises a single district.

#### NEW YORK.

New York city is organized under a special school act.

#### NIAGARA COUNTY.

*First district.*—Towns of Cambria, Lockport, Pendleton, Royalton, and Wheatfield.

*Second district.*—Towns of Hartland, Lewiston, Newfane, Niagara, Porter, Somerset and Wilson.

The city of Lockport is organized under a special school act.

The city of Niagara Falls is organized under a special school act.

#### ONEIDA COUNTY.

*First district.*—Towns of Deerfield, Floyd, Marcy, New Hartford and Whitestown.

*Second district.*—Towns of Augusta, Bridgewater, Kirkland, Marshall, Paris, Sangerfield, Vernon and Westmoreland.

*Third district.*—Towns of Camden, Florence, Verona, and Vienna.

*Fourth district.*—Towns of Annsville, Ava, Boonville, Forestport, Lee, Remsen, Steuben, Trenton and Western.

The city of Utica is organized under a special school act.

The city of Rome is organized under a special school act.

#### ONONDAGA COUNTY.

*First district.*—Towns of Camillus, Clay, Elbridge, Lysander, Salina and Van Buren.

*Second district.*—Towns of Geddes, Marcellus, Onondaga, Otisco, Skaneateles, Spafford and Tully.

*Third district.*—Towns of Cicero, De Witt, Fabius, Lafayette, Manlius and Pompey.

The city of Syracuse is organized under a special school act.

#### ONTARIO COUNTY.

*First district.*—Towns of Farmington, Geneva, Gorham, Hopewell, Manchester, Phelps and Seneca.

*Second district.*—Towns of Bristol, Canadice, Canandaigua, East Bloomfield, Naples, Richmond, South Bristol, Victor and West Bloomfield.

## ORANGE COUNTY.

*First district.*—Towns of Blooming Grove, Cornwall, Highlands, Munroe, Montgomery, Newburgh, New Windsor, Tuxedo and Woodbury.

*Second district.*—Towns of Chester, Crawford, Deerpark, Goshen, Greenville, Hamptonburgh, Minisink, Mount Hope, Wallkill, Warwick and Waywayanda.

The city of Newburgh is organized under a special school act.

The city of Middletown is organized under a special school act.

## ORLEANS COUNTY.

Comprises a single district.

## OSWEGO COUNTY.

*First district.*—Towns of Granby, Hannibal, New Haven, Oswego, Scriba and Volney.

*Second district.*—Towns of Amboy, Constantia, Hastings, Palermo, Parish, Schroepel and West Monroe.

*Third district.*—Towns of Albion, Boylston, Mexico, Orwell, Redfield, Richland, Sandy Creek and Williamstown.

The city of Oswego is organized under a special school act.

## OTSEGO COUNTY.

*First district.*—Towns of Cherry Valley, Decatur, Exeter, Maryland, Middlefield, Otsego, Plainfield, Richfield, Roseboom, Springfield, Westford and Worcester.

*Second district.*—Towns of Burlington, Butternuts, Edmeston, Hartwick, Laurens, Milford, Morris, New Lisbon, Oneonta, Otego, Pittsfield and Unadilla.

## PUTNAM COUNTY.

Comprises a single district.

## QUEENS COUNTY.

*First district.*—Towns of Flushing, North Hempstead and Oyster Bay.

*Second district.*—Towns of Hempstead, Jamaica and Newtown.

The city of Long Island City is organized under a special school act.

## RENSSELAER COUNTY.

*First district.*—Towns of Brunswick, Grafton, Hoosick, Lansingburgh, Petersburg, Pittstown and Schaghticoke.

*Second district.*—Towns of Berlin, East Greenbush,

Greenbush, Nassau, North Greenbush, Poestenkill, Sand-lake, Schodack and Stephentown.

The city of Troy is organized under a special school act.

**RICHMOND COUNTY.**

Comprises a single district.

**ROCKLAND COUNTY.**

Comprises a single district.

**ST. LAWRENCE COUNTY.**

*First district.*—Towns of DeKalb, DePeyster, Fine, Fowler, Gouverneur, Hammond, Macomb, Morristown, Oswegatchie, Pitcairn and Rossie.

*Second district.*—Towns of Canton, Clare, Clifton, Colton, Edwards, Hermon, Lisbon, Madrid, Norfolk, Pierrepont, Russell and Waddington.

*Third district.*—Towns of Brasher, Hopkinton, Lawrence, Louisville, Massena, Parishville, Potsdam and Stockholm.

The city of Ogdensburgh is organized under a special school act.

**SARATOGA COUNTY.**

*First district.*—Towns of Ballston, Charlton, Clifton Park, Galway, Halfmoon, Malta, Milton, Providence, Stillwater and Waterford.

*Second district.*—Towns of Corinth, Day, Edinburgh, Greenfield, Hadley, Moreau, Northumberland, Saratoga, Saratoga Springs and Wilton.

**SCHENECTADY COUNTY.**

Towns, exclusive of city, compose one district.

The city of Schenectady is organized under a special school act.

**SCHOHARIE COUNTY.**

*First district.*—Towns of Broome, Blenheim, Conesville, Esperance, Gilboa, Middleburgh, Schoharie and Wright.

*Second district.*—Towns of Carlisle, Cobleskill, Fulton, Jefferson, Richmondville, Seward, Sharon and Summit.

**SCHUYLER COUNTY.**

Comprises a single district.

**SENECA COUNTY.**

Comprises a single district.

## SIEBEN COUNTY.

*First district.*—Towns of Avoca, Bath, Bradford, Campbell, Cohocton, Prattsburgh, Pultney, Urbana, Wayland, Wayne and Wheeler.

*Second district.*—Towns of Addison, Cameron, Canton, Corning, Erwin, Hornby, Lindley, Rathbone, Thurston, Tuscarora and Woodhull.

*Third district.*—Towns of Dansville, Fremont, Howard, Canisteo, Greenwood, Hartsville, Hornellsville, Jasper, Troupsburgh and West Union.

## SUFFOLK COUNTY.

*First district.*—Towns of Easthampton, Riverhead, Southampton, Southold and Shelter Island.

*Second district.*—Towns of Babylon, Brookhaven, Huntington, Islip and Smithtown.

## SULLIVAN COUNTY.

*First district.*—Towns of Bethel, Cohocton, Delaware, Forestburgh, Highland, Lumberland, Mamakating, Thompson and Tusten.

*Second district.*—Towns of Callicoon, Fallsburgh, Fremont, Liberty, Neversink and Rockland.

## Tioga County.

Comprises a single district.

## TOMPKINS COUNTY.

*First district.*—Towns of Danby, Enfield, Ithaca, Newfield and Ulysses.

*Second district.*—Towns of Caroline, Dryden, Groton and Lansing.

The city of Ithaca is organized under a special school act.

## ULSTER COUNTY.

*First district.*—Towns of Hurley, Kingston, Kingston City, Saugerties and Ulster.

*Second district.*—Towns of Esopus, Gardner, Lloyd, Marbletown, Marlborough, New Paltz, Plattekill, Rosendale and Shawangunk.

*Third district.*—Towns of Denning, Hardenburgh, Olive, Rochester, Shandakin, Wawarsing and Woodstock.

## WARREN COUNTY.

Comprises a single district.

## WASHINGTON COUNTY.

*First district.*—Towns of Argyle, Cambridge, Easton, Fort Edward, Greenwich, Jackson, Salem and White Creek.

*Second district.*—Towns of Dresden, Fort Ann, Granville, Hampton, Hartford, Hebron, Kingsbury, Putnam and Whitehall.

## WAYNE COUNTY.

*First district.*—Towns of Butler, Galen, Huron, Lyons, Rose, Savannah, Sodus and Wolcott.

*Second district.*—Towns of Arcadia, Macedon, Marion, Ontario, Palmyra, Walworth and Williamson.

## WESTCHESTER COUNTY.

*First district.*—Towns of East Chester, Mamaroneck, New Rochelle, Pelham, Rye, Scarsdale and Westchester.

*Second district.*—Towns of Greenburgh, Harrison, Mount Pleasant, North Castle, Ossining and White Plains.

*Third district.*—Towns of Bedford, Cortlandt, Lewisboro, New Castle, North Salem, Poundridge, Somers and Yorktown.

The city of Yonkers is organized under a special school act.

## WYOMING COUNTY.

*First district.*—Towns of Attica, Bennington, Covington, Middlebury, Orangeville, Perry, Sheldon and Warsaw.

*Second district.*—Towns of Arcade, Castile, Eagle, Genesee Falls, Gainesville, Java, Pike and Wethersfield.

## YATES COUNTY.

Comprises a single district.

# VOTERS,

## THEIR QUALIFICATIONS, PRIVILEGES AND DISABILITIES.

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### Vote, right to, not to be denied.

“The rights of citizens of the United States to vote shall not be denied or abridged by the United States or by any state on account of race, color or previous condition of servitude. The congress shall have power to enforce this article by appropriate legislation.” (§§ 1, 2, *art. 15, amendment to United States Constitution.*)

Race, color,  
etc., not to  
affect right.

### Vote, who entitled to.

“Every male citizen of the age of twenty-one years, who shall have been a citizen for ninety days, and an inhabitant of this state one year next preceding an election, and for the last four months a resident of the county, and for the last thirty days a resident of the election district in which he may offer his vote, shall be entitled to vote at such election in the election district of which he shall at the time be a resident, and not elsewhere, for all officers that now are or hereafter may be elective by the people, and upon all questions which may be submitted to the vote of the people, provided that in time of war no elector in the actual military service of the state, or of the United States, in the army or navy thereof, shall be deprived of his vote by reason of his absence from such election district; and the legislature shall have power to provide the manner in which, and the time and place at which, such absent electors may vote, and for the return and canvass of their votes in the election districts in which they respectively reside. (§ 1, *art. 2, State Constitution.*)

Vote, who  
entitled to.

Absence in  
army not to  
preclude  
right.



**Right of deserters to vote.**

Right to  
vote, unless  
convicted.

“Deserters from the military and naval service have a right to vote unless convicted thereof by a competent court.” (*Opinion of Attorney-General.*)

**Right to vote while engaged in voting at close of polls.**

Right to  
vote at  
close of  
polls.

“A voter who has received his ballots and is properly engaged in the preparation of the same at the time of the closing of the polls is entitled to vote.” (*Opinion of Attorney-General.*)

**Qualifications of voters.**

Qualifica-  
tions for  
registry.

“A person is a qualified voter in any election district for the purpose of having his name placed on such list, if he is at the time qualified to vote at the election for which such registry is made, or may become so qualified on or before the day upon which such election is to be held.” (§ 32, *Election Law*, chap. 680, *Laws* 1892.)

Voter, when  
of age.

“A person otherwise qualified whose twenty-first birthday is on the day succeeding election is entitled to vote.” (*Opinion Attorney-General.*)

**Disfranchisement of voter by irregular acts of inspectors.**

Irregulari-  
ties of in-  
spectors not  
to disfran-  
chise.

“The voters of an election district are not to be disfranchised by reason of irregularities in the conduct of inspectors, which do not affect the result of the vote.” (*Opinion of Attorney-General.*)

**Allowance of time for employes to vote. .**

Employes  
entitled to  
absence for  
voting.

“Any person entitled to vote at a general election held within this state, shall, on the day of such election, be entitled to absent himself from any service or employment in which he is then engaged or employed, for a period of two hours,

while the polls of such election are open. If such voter shall notify his employer, before the day of such election, of such intended absence, and if thereupon two consecutive hours for such absence shall be designated by the employer, and such absence shall be during such designated hours, or if the employer, upon the day of such notice, makes no designation, and such absence shall be during any two consecutive hours while such polls are open, no deduction shall be made from the usual salary or wages of such voter, and no other penalty shall be imposed upon him by his employer, by reason of such absence." (§ 113, *Election Law, chap. 680, Laws 1892.*)

No deduction from salary, etc.

### Refusal to permit employes to attend elections.

"A person or corporation who refuses to an employe entitled to vote at an election or town meeting, the privilege of attending thereat, as provided by the election law, or subjects such employe to a penalty or reduction of wages because of the exercise of such privilege, is guilty of a misdemeanor." (§ 41f, *Penal Code.*)

Penalty for refusing absence, etc.

### Persons excluded from the right of suffrages, etc.

"No person who shall receive, expect, or offer to receive, or pay, offer or promise to pay, contribute, offer or promise to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at an election, or who shall make any promise to influence the giving or withholding any such vote, or who shall make or become directly or indirectly interested in any bet or wager depending upon the result of any election, shall vote at such election; and upon challenge for such cause, the person so challenged, before the officers authorized for that purpose shall receive his vote, shall swear or affirm before such officers that he has not received or offered, does not expect to receive, has not paid, offered or promised to pay, contributed, offered or promised to contribute to another, to be paid or used, any money or other valuable thing as a compensation or reward for the giving or withholding a vote at such election, and has not made any promise to influence the giving or withholding of any such vote, nor made or become

Persons receiving or promising reward, etc., not to vote.

Bets or wagers.

Oath when challenged.

Laws ex-  
cluding  
person  
from right  
of suffrage.

directly or indirectly interested in any bet or wager depending upon the result of any election. The legislature shall enact laws excluding from the right of suffrage all persons convicted of bribery or of any infamous crime." (§ 2, *art. 2, Revised State Constitution.*)

### **Disqualification of voters convicted of bribery or infamous crime.**

Persons  
convicted  
not to vote  
unless par-  
doned, etc.

"No person convicted of bribery, or of an infamous crime punishable by imprisonment in a state prison, shall vote at an election or town meeting, unless sentenced upon such conviction to a reformatory, or unless he shall have been pardoned before or after the expiration of his term of imprisonment, and restored by the pardon to all the rights of a citizen." (§ 30, *Election Law, chap. 680, Laws 1892.*)

### **Pardon and restoration.**

Power of  
governor to  
pardon, etc.

The governor has the exclusive power of pardoning and restoring to the rights of a citizen criminals convicted in the courts of this state. (*See § 5, art. 4, State Constitution.*)

### **Voting after conviction of infamous crime.**

Penalty for  
voting after  
conviction  
of infamous  
crime.

"Any person who has been convicted of an infamous crime and has been sentenced or committed therefor to a state prison or penitentiary, who votes at any election unless he shall have been pardoned and restored to all the rights of a citizen, is guilty of a misdemeanor." (§ 41L, *Penal Code.*)

### **Disabilities of persons removed.**

Persons  
sent to re-  
formatories  
etc., not dis-  
franchised.

"The disqualification to testify created by section twenty-three (original number) of title seven, chapter first of part fourth of the Revised Statutes, and the prohibition to vote at any election contained in section fifteen of chapter two hundred and forty of the Laws of eighteen hundred and forty-seven, shall not apply to a person heretofore convicted, or hereafter to be convicted, of felony, or of any infamous crime, and in consequence thereof committed to one

of the houses of refuge or other reformatories organized under the laws of this state." (*Chap. 113, 1872, entitled "An act to relieve juvenile delinquents from certain disqualifications."*)

### Voting residence.

"For the purpose of voting, no person shall be deemed to have gained or lost a residence, by reason of his presence or absence, while employed in the service of the United States; nor while engaged in the navigation of the waters of this state, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms-house, or other asylum, or institution wholly or partly supported at public expense or by charity; nor while confined in any public prison." (§ 3, art. 2, *State Constitution.*)

Residence, when not deemed gained or lost

### Voting residence of government employes.

"The voting residence of a person is largely a question of intention.

Not changed by engaging in services of government

A residence is not changed by engaging in the service of the government." (*Opinion of Attorney-General.*)

### Voting residence—matter of intention.

The question of the place of residence of a voter is largely a matter of intention.

Question of residence a matter of intention.

As a general proposition, it may be stated that the residence required by the constitution is a place which a person has fixed as a habitation without any present intention of removing therefrom. A residence, once acquired, continues to be the residence of a person until such person absents himself therefrom and locates at another place with the intention of there remaining. Temporary absence, with the purpose of returning, does not effect a change of residence. (*Opinion of Attorney-General.*)

### Residence, what deemed to be for the purpose of voting, and how not lost or acquired.

"A residence is 'the place of abode,' 'the place in which one usually has his home.' To reside in a particular *election district* and county is for one to have his home usually and

Residence defined.

When not  
deemed  
gained or  
lost.

at the time of election in such *election district*. A person, in order to entitle him to vote, must, as before stated, be a resident of such election district thirty days, of the county four months, and of the state one year, and 'for the purpose of voting' it is by our constitution provided that 'no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States; nor while engaged in the navigation of the waters of this state, or of the United States, or of the high seas; nor while a student of any seminary of learning; nor while kept at any alms-house or other asylum at public expense; nor while confined in any public prison.'

Change of  
residence.

If an elector *change* his residence from one election district to another, in the same county, within thirty days previous to a general or special election, he thereby loses the right of voting at such election. If he remove within thirty days of a town or city election, from one town to another, in the same county, or from one ward to another, in the same city (or from one election district to another, in the same city, or from one election district of a town having election districts for town meeting to another election district in the same town), he thereby loses the right of voting at such election, for town, ward or city officers.

Cannot vote  
only in elec-  
tion district.

It must be borne in mind that *no person can* (as is sometimes erroneously believed) vote for governor or any other officer, except in *the election district* of his actual residence." (*Election Code by Secretary of State.*)

### Manner of voting.

Manner of  
voting.

Section five of article two of the Constitution provides that: "All elections by the citizens shall be by ballot, except for such town officers as may, by law, be directed to be otherwise chosen." The particular manner of voting prescribed by law will be found on page 127.

### Voting by an inhabitant of another state or country.

Penalty.

"Any inhabitant of another state or country who votes or offers to vote at an election or town meeting in this state, is guilty of a felony." (§ 41m, *Penal Code.*)

**Failure of house-dweller to answer inquiries.**

“Any person dwelling in a building in a city who willfully refuses to truly answer any question asked by any elector of such city, between the first meeting of the boards of registry therein for any election and the closing of the polls at such election, relating to the residence and qualifications as a voter of any person dwelling in such building, or of any person who appears upon the list or register of voters made by a board of registry as residing at such building, is guilty of a misdemeanor.” (§ 41*d*, *Penal Code*.)

Penalty for refusing information as to voter.

**Furnishing money or entertainment to induce attendance at polls.**

“Any person who, with the intent to promote the election of a person to an elective office :

1. Furnishes entertainment to the electors before or during an election or town meeting at which such person is a candidate ; or
2. Pays for, procures, or engages to pay for such entertainment ; or
3. Furnishes money or other property, or engages to compensate any person for procuring the attendance of voters at the polls of such election or town meeting ; or
4. Contributes money for any other purposes than the printing and circulating of hand bills, books and other papers previous to an election or town meeting, or conveying electors to the polls, or music, or rent of halls, is guilty of a misdemeanor.

Furnishing entertainment.

Furnishing or contributing money.

Misdemeanor.

(§ 41*o*, *Penal Code*. Thus amended by chap. 885, *Laws* 1895, to take effect Sept. 1, 1895.)

**Giving considerations for franchise.**

Any person who directly or indirectly, by himself or through any other person :

Bribery of voters.

1. Pays, lends or contributes, or offers or promises to pay, lend or contribute any money or other valuable consideration to or for any voter, or to or for any other person, to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election for any particular person or persons.

or for or against any particular proposition submitted to voters, or to induce such voter to come to the polls or remain away from the polls at such election, or to induce such voter to place or cause to be placed or refrain from placing or causing to be placed his name upon a registry of voters, or on account of such voter having voted or refrained from voting or having voted or refrained from voting for or against any particular person or for or against any proposition submitted to voters or having come to the polls or remained away from the polls at such election, or having placed or caused to be placed or refrained from placing or causing to be placed his name upon the registry of voters; or

2. Gives, offers or promises any office, place or employment, or promises to procure or endeavor to procure any office, place or employment to or for any voter, or to or for any other person, in order to induce such voter to vote or refrain from voting at any election, or to induce any voter to vote or refrain from voting at such election, for or against any particular person or persons, or for or against any proposition submitted to voters, or to induce any voter to place or cause to be placed or refrain from placing or causing to be placed his name upon a registry of voters; or

3. Gives, offers or promises any office, place, employment or valuable thing as an inducement for any voter or other person to procure or aid in procuring either a large or a small vote, plurality or majority at any election district, or other political division of the state, for a candidate or candidates to be voted for at an election; or to cause a larger or smaller vote, plurality or majority to be cast or given for any candidate or candidates in one such district or political division than in another; or

4. Makes any gift, loan, promise, offer, procurement or agreement as aforesaid to, for or with any person to induce such person to procure or endeavor to procure the election of any person or the vote of any voter at any election; or

5. Procures or engages, or promises or endeavors to procure, in consequence of any such gift, loan, offer, promise,

procurement or agreement, the election of any person, or the vote of any voter, at such election; or

6. Advances or pays, or causes to be paid, any money or other valuable thing, to or for the use of any other person with the intent that the same, or any part thereof, shall be used in bribery at any election, or knowingly pays or causes to be paid any money or other valuable thing to any person in discharge or repayment of any money, wholly or in part expended in bribery at any election, is guilty of an infamous crime punishable by imprisonment for not less than three months nor more than one year, and in addition forfeits any office to which he may have been elected at the election with reference to which such offense was committed, and becomes incapable of holding any public office under the constitution and laws of this state for a period of five years after such conviction. (§ 41*p*, *Penal Code*.)

#### Receiving consideration for franchise.

Any person who, directly or indirectly, by himself or through any other person:

1. Receives, agrees or contracts for, before or during an election, any money, gift, loan or other valuable consideration, office, place or employment for himself or any other person, for voting or agreeing to vote, or for coming or agreeing to come to the polls, or for remaining away or agreeing to remain away from the polls, or for refraining or agreeing to refrain from registering as a voter, or for refraining or agreeing to refrain from voting or for voting or for agreeing to vote, or for refraining or agreeing to refrain from voting for or against any particular person or persons at any election, or for or against any proposition submitted to voters at such election; or

2. Receives any money or other valuable thing during or after an election on account of himself or any other person having voted or refrained from voting at such an election, or having registered or refrained from registering as a voter, or on account of himself or any other person



having voted or refrained from voting for or against any particular person at such election, or for or against any proposition submitted to voters at such election, or on account of himself or any other person having come to the polls or remained away from the polls at such election, or having registered or refrained from registering as a voter, or on account of having induced any other person to vote or refrain from voting for or against any particular person or persons at such election or for or against any proposition submitted to voters at such election, is guilty of an infamous crime, punishable by imprisonment for not less than three months nor more than one year, and in addition shall be excluded from the right of suffrage for five years after such conviction; and the county clerk of the county in which such person is convicted shall transmit a certified copy of the record of conviction to the clerk of each county of the state, within ten days thereafter, which copy shall be filed in his office by each of such clerks. (§ 41g, *Penal Code*.)

#### **Testimony upon prosecution.**

“A person offending against any provision of section forty-one-p or of section forty-one q of this code is a competent witness against another person so offending, and may be compelled to attend and testify on any trial, hearing or proceeding or investigation in the same manner as any other person. The testimony so given shall not be used in any prosecution or proceeding, civil or criminal, against the person testifying. A person testifying shall not thereafter be liable to indictment, prosecution or punishment for the offense with reference to which his testimony was given, and may plead or prove the giving of testimony accordingly, in bar of such an indictment or prosecution.” (§ 41r, *Penal Code, as amended by chap. 692, Laws of 1893.*)

#### **Bribery or intimidation of elector in military service of the United States.**

“Any person who, directly or indirectly, by bribery, menace or other corrupt means, controls or attempts to control an elector of this state enlisted in the military service of the

United States, in the exercise of his rights under the election law, or annoys, injures or punishes him for the manner in which he exercised such right, is guilty of a misdemeanor for which he may be tried at any future time when he may be found within this state; and upon conviction thereof shall thereafter be ineligible to any office therein." (§ 41s, *Penal Code*.)

### Duress and intimidation of voters.

Any person or corporation who directly or indirectly :

1. Uses or threatens to use any force, violence or restraint, or inflicts or threatens to inflict any injury, damage, harm or loss, or in any other manner practices intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting at any election or to vote or refrain from voting for or against any particular person or persons or for or against any proposition submitted to voters at such election, or to place or cause to be placed or refrain from placing or causing to be placed his name upon a registry of voters, or on account of such person having voted or refrained from voting at such election, or having voted or refrained from voting for or against any particular person or persons, or for or against any proposition submitted to voters at such election, or having registered or refrained from registering as a voter; or

2. By abduction, duress or any forcible or fraudulent device or contrivance whatever impedes, prevents or otherwise interferes with the free exercise of the elective franchise by any voter, or compels, induces or prevails upon any voter to give or refrain from giving his vote for or against any particular person at any election; or

3. Being an employer, pays his employe the salary or wages due in "pay envelope;" upon which there is written or printed any political motto, device or argument containing threats, express or implied, intended or calculated to influence the political opinions or actions of such employes, or within ninety days of a general election puts or other-

wise exhibits in the establishment or place where his employes are engaged in labor, any hand bill or placard containing any threat, notice or information that if any particular ticket or candidate is elected or defeated, work in his place or establishment will cease, in whole or in part, his establishment be closed up, or the wages of his employes reduced, or other threats, express or implied, intended or calculated to influence the political opinions or actions of his employes, is guilty of a misdemeanor, and if a corporation shall in addition forfeit its charter. (§ 41t, *Penal Code*.)

#### Political assessments.

“Any person who,

1. Being an officer or employe of the state, or of a political subdivision thereof, directly or indirectly uses his authority or official influence to compel or induce any other officer or employe of the state or a political subdivision thereof, to pay or promise to pay any political assessments; or,

2. Being an officer or employe of the state, or of a political subdivision thereof, directly or indirectly, gives, pays or hands over to any other such officer or employe any money or other valuable thing on account of or to be applied to the promotion of his election, appointment or retention in office, or makes any promise, or gives any subscription to such officer or employe to pay or contribute any money or other valuable thing for any such purpose or object; or

3. Being such an officer or employe and having charge or control of any building, office or room occupied for any purpose of the state or of a political subdivision thereof, consents that any person enter the same for the purpose of making, collecting, receiving or giving notice of any political assessment; or

4. Enters or remains in any such office, building or room, or sends or directs any letter or other writing thereto, for the purpose of giving notice of demanding or collecting, or being therein, gives notice of, demands, collects or receives, any political assessment;

5. Prepares or makes out, or takes any part in preparing or making out, any political assessment, subscription or contribution, with the intent that the same shall be sent or presented to or collected of any such officer or employe; or

6. Sends or presents any political assessment, subscription, or contribution to, or requests its payment of, any such officer or employe, is guilty of a misdemeanor." (§ 41 v, *Penal Code.*)

**Corrupt use of position or authority.**

"Any person who,

1. While holding a public office, or being nominated or seeking a nomination or appointment therefor, corruptly uses or promises to use, directly or indirectly, any official authority or influence possessed or anticipated, in the way of conferring upon any person, or in order to secure, or aid any person in securing, any office or public appointment, or any nomination, confirmation, promotion or increase of salary, upon consideration that the vote or political influence or action of the person so to be benefited or of any other person, shall be given or used in behalf of any candidate, officer or party or upon any other corrupt condition or consideration; or

2. Being a public officer or employe of the state or a political subdivision having, or claiming to have, any authority or influence affecting the nomination, public employment, confirmation, promotion, removal, or increase or decrease of salary of any public officer or employe, or promises or threatens to use, any such authority or influence, directly or indirectly to affect the vote or political action of any such public officer or employe, or on account of the vote or political action of such officer or employe; or

3. Makes, tenders or offers to procure, or cause any nomination or appointment for any public office or place, or accepts or requests any such nomination or appointment, upon the payment or contribution of any valuable consideration, or upon an understanding or promise thereof, or

4. Makes any gift, promise or contribution to any person, upon the condition or consideration of receiving an appointment or election to a public office or a position of public employment, or for receiving or retaining any such office or position, or promotion, privilege, increase of salary or compensation therein, or exemption from removal or discharge therefrom, is punishable by imprisonment for not more than two years or by a fine of not more than three thousand dollars or both." (§ 41w, *Penal Code*.)

### Illegal voting.

"Any person who,

1. Knowingly votes or offers to vote at any election or town meeting when not qualified ; or,

2. Procures, aids, assists, counsels or advises any person to go or come into any town, ward or election district, for the purpose of voting at any election or town meeting, knowing that such person is not qualified ; or,

3. Votes or offers to vote at an election or town meeting more than once ; or votes or offers to vote at an election or town meeting under any other name than his own ; or votes or offers to vote at an election or town meeting in an election district or place where he does not reside ; or,

4. Procures, aids, assists, commands or advises another to vote or offer to vote at an election or town meeting, knowing that such person is not qualified to vote thereat ; or,

5. Being an inhabitant of another state or country, votes or offers to vote at an election or town meeting in this state, is guilty of felony, punishable by imprisonment in a state prison not less than two nor more than five years." (§ 41m, *Penal Code*, as amended by chap. 282, *Laws* 1894.)

# CITIZENSHIP.

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## Citizens, who are.

“All persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States.” (*U. S. R. S.*, 2d ed., § 1992, *tit.* 25.)

Citizens,  
who are

## Citizens, who are.

“All children heretofore born or hereafter born out of the limits and jurisdiction of the United States, whose fathers were and may be, at the time of this birth, citizens thereof, are declared to be citizens of the United States; but the rights of citizenship shall not descend to children whose fathers never resided in the United States.” (§ 1993, *same tit.*)

## Citizens, who are.

“All persons born in the district or country formerly known as the Territory of Oregon and subject to the jurisdiction of the United States, on the eighteenth May, eighteen hundred and seventy-two, are citizens in the same manner as if born elsewhere in the United States.” (*U. S. R. S.*, 2d ed., § 1995, *tit.* 25.)

## Citizens, when married women are.

“Any woman who is now or may hereafter be married to a citizen of the United States, and who might herself be lawfully naturalized, shall be deemed a citizen.” (§ 1994, *same tit.*) [*See, also*, § 2168 of *tit.* 30, *U. S. R. S.*, 2d ed., *as to widows and children of aliens, who have complied with the first condition of* § 2106 of *said R. S.*]

Married wo-  
men, when  
citizens.

## Deserters incapable of holding office under the United States, or exercising any right of citizenship.

“All persons who deserted the military or naval service of the United States and did not return thereto or report themselves to a provost-marshal within sixty days after the issuance of the proclamation by the president, dated the eleventh

Deserters,  
deprived of  
citizenship,  
etc.



# NATURALIZATION.

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## Aliens, how naturalized.

An alien may be admitted to become a citizen of the United States in the following manner, and not otherwise :

Aliens, how  
naturalized.

1. He shall declare on oath, before a circuit or district court of the United States or a district or supreme court of the Territories, or a court of record of any of the States having common law jurisdiction, and a seal and clerk, two years, at least, prior to his admission, that it is *bona fide* his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty, and, particularly, by name, to the prince, potentate, State or sovereignty of which the alien may be at the time a citizen or subject.

Declaration  
of intention.

2. He shall at the time of his application to be admitted, declare, on oath, before some one of the courts above specified, that he will support the Constitution of the United States, and that he absolutely and entirely renounces and adjures all allegiance and fidelity to every foreign prince, potentate, state or sovereignty ; and particularly, by name, to the prince, potentate, state or sovereignty of which he was before a citizen or subject ; which proceedings shall be recorded by the clerk of the court.

Oath to sup-  
port consti-  
tution.

3. It shall be made to appear to the satisfaction of the court admitting such alien that he has resided within the United States five years at least, and within the State or Territory where such court is at the time held, one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States and well disposed to the good order and happiness of the same ; but the oath of the applicant shall in no case be allowed to prove his residence.

Residence,  
moral char-  
acter, etc.

4. In case the alien applying to be admitted to citizenship has borne any hereditary title, or been of any of the orders of

Titles of  
nobility  
to be  
renounced.



nobility in the kingdom or state from which he came he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Residence  
in U. S. be-  
fore Jan. 29,  
1795.

5. Any alien who was residing within the limits and under the jurisdiction of the United States before the twenty-ninth day of January, one thousand seven hundred and ninety-five, may be admitted to become a citizen, on due proof made to some one of the courts above specified, that he has resided two years, at least, within the jurisdiction of the United States, and one year, at least, immediately preceding his application within the State or Territory, where such court is at the time held; and on his declaring on oath that he will support the Constitution of the United States, and that he absolutely and entirely renounces and adjures all allegiance and fidelity to any foreign prince, potentate, state or sovereignty and particularly by name to the prince potentate, state or sovereignty whereof he was before a citizen or subject; and also, on its appearing to the satisfaction of the court, that during such term of two years he has behaved as a man of good moral character, attached to the Constitution of the United States, and well disposed to the good order and happiness of the same; and where the alien, applying for admission to citizenship, has borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came, on his, moreover, making in the court an express renunciation of his title or order of nobility. All of the proceedings required in this condition to be performed in the court, shall be recorded by the clerk thereof.

Residence  
in U. S. be-  
tween June  
18, 1798, and  
June 18,  
1812.

6. Any alien who was residing within the limits and under the jurisdiction of the United States, between the eighteenth day of June, one thousand seven hundred and ninety-eight, and the eighteenth day of June, one thousand eight hundred and twelve, and who has continued to reside within the same, may be admitted to become a citizen of the United States without having made any previous declaration of his intention to become such; but whenever any person without a certifi-

cate of such declaration of intention, makes application to be admitted a citizen, it must be proved to the satisfaction of the court, that the applicant was residing within the limits and under the jurisdiction of the United States before the eighteenth day of June, one thousand eight hundred and twelve, and has continued to reside within the same; and the residence of the applicant within the limits and under the jurisdiction of the United States, for at least five years immediately preceding the time of such application, must be proved by the oath of citizens of the United States, which citizens shall be named in the record as witnesses; and such continued residence within the limits and under the jurisdiction of the United States, when satisfactorily proved, and the place where the applicant has resided for at least five years, shall be stated and set forth, together with the names of such citizens, in the record of the court admitting the applicant; otherwise the same shall not entitle him to be considered and deemed a citizen of the United States. (Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the declaration of intention to become a citizen of the United States, required by section two thousand one hundred and sixty-five of the Revised Statutes of the United States, may be made by an alien before the clerk of any of the courts named in said section two thousand one hundred and sixty-five; and all such declarations heretofore made before any such clerk are hereby declared as legal and valid as if made before one of the courts made in said section." (*U. S. R. S.*, 2d ed., 2165, tit. 30.)

Declaration  
of intention,  
before  
whom  
made.

Validity of  
previous  
declara-  
tions.

### **Aliens honorably discharged from the military service.**

"Any alien of the age of twenty-one years and upwards, who has enlisted, or may enlist, in the armies of the United States, either the regular or volunteer forces, and has been, or may be hereafter, honorably discharged, shall be admitted to become a citizen of the United States, upon his petition, without any previous declaration of his intention to become such; and he shall not be required to prove more than one

Aliens hon-  
orably dis-  
charged  
from mili-  
tary service.

year's residence within the United States previous to his application to become such citizen; and the court admitting such alien shall, in addition to such proof of residence and good moral character, as now provided by law, be satisfied by competent proof of such person's having been honorably discharged from the service of the United States." (*U. S. R. S.*, 2d ed., § 2166, *tit.* 30.)

**Certain persons arriving in their minority may be naturalized.**

Persons  
arriving in  
their min-  
ority.

"Any alien, being under the age of twenty-one years, who has resided in the United States three years next preceding his arriving at that age, and who has continued to reside therein to the time he may make application to be admitted a citizen thereof, may, after he arrives at the age of twenty-one years, and after he has resided five years within the United States, including the three years of his minority, be admitted a citizen of the United States, without having made the declaration required in the first condition of section twenty-one hundred and sixty-five; but such alien shall make the declaration required therein at the time of his admission; and shall further declare on oath, and prove to the satisfaction of the court, that for two years next preceding it has been his *bona fide* intention to become a citizen of the United States; and he shall in all other respects comply with the laws in regard to naturalization." (*U. S. R. S.*, 2d ed., § 2167, *tit.* 30.)

**Aliens of African nativity.**

Persons of  
African  
descent.

"The provisions of this title shall apply to aliens of African nativity and to persons of African descent." (§ 2169, *same tit.*)

**Uninterrupted residence.**

Uninter-  
rupted resi-  
dence.

"No alien shall be admitted to become a citizen who has not for the continued term of five years next preceding his admission resided within the United States." (§ 2170, *same tit.*) [*For provisions respecting an alien whose country is at war with the United States at the time of his application to become a citizen, see § 2171 of the U. S. R. S.*]

**Minor children of persons naturalized.**

“The children of persons who have been duly naturalized under the law of the United States, or who, previous to the passing of any law on that subject by the government of the United States, may have become citizens of any one of the states, under the laws thereof, being under the age of twenty-one years at the time of the naturalization of their parents, shall, if dwelling in the United States, be considered as citizens thereof; and the children of persons who now are, or have been, citizens of the United States, shall, though born out of the limits and jurisdiction of United States, be considered as citizens thereof; but no person heretofore proscribed by any state, or who has been legally convicted of having joined the army of Great Britain during the revolutionary war, shall be admitted to become a citizen without the consent of the legislature of the state in which such person was proscribed.” (*U. S. R. S.*, 2d ed., § 2172, *tit.* 30.)

Minor children.

**When seamen, being foreigners, may become citizens.**

“Every seaman, being a foreigner, who declares his intention of becoming a citizen of the United States in any competent court, and shall have served three years on board of a merchant vessel of the United States subsequent to the date of such declaration, may, on his application to any competent court, and the production of his certificate of discharge and good conduct during that time, together with the certificate of declaration of his intention to become a citizen, be admitted a citizen of the United States; and every seaman, being a foreigner, shall, after his declaration of intention to become a citizen of the United States, and after he shall have served such three years, be deemed a citizen of the United States for the purpose of manning and serving on board any merchant vessel of the United States, anything to the contrary in any act of congress notwithstanding; but such seaman shall, for all purposes of protection as an American citizen, be deemed such, after the filing of his declaration of intention to become such citizen.” (§ 2174, *same tit.*)

Seamen, when may become citizens.

**Procuring fraudulent certificates of naturalization in order to vote.****Felony.**

“Any person who knowingly and willfully procures from any court, judge, clerk or other officer, a certificate of naturalization, which has been allowed, issued, signed or sealed in violation of the laws of the United States or of this state, with intent to enable himself or any other person to vote at any election, when he or such person is not entitled by the laws of the United States to become a citizen or to exercise the elective franchise, is guilty of a felony.” (§ 41x, *Penal Code*.)

**Instructions concerning naturalization.****Instructions as to naturalization.**

The applicant must have resided in the United States, for the continued term of five years next preceding his admission, and one year at least within the state or territory where the court is held that admits him. Two years at least before his admission he must declare, on oath, or affirmation, before the supreme court or a county court of the state, or before a circuit or district court of the United States, his intention to become a citizen, etc. If the applicant was a minor, under the age of eighteen years when he came to the country, this previous declaration of intention is dispensed with, and he is entitled to be admitted after he has arrived at the age of twenty-one years, if he has resided five years in the United States, including the three years of his minority, and has continued to so reside up to the time when he makes his application. By act of congress, approved July seventeen, eighteen hundred and sixty-two, aliens of the age of twenty-one years and upward, who have enlisted in the armies of the United States, in the regular or volunteer forces, and have been honorably discharged, are entitled to become citizens of the United States upon petition, without previous declaration or intention. Aliens, under such circumstances, are not required to prove more than one year's residence within the United States. This act materially alters the previous laws, but does not in any manner do away with the necessity of procuring regular naturalization papers. By act of congress June seven, eighteen hundred and seventy-two, seamen of foreign birth, who have declared intention to become citizens may be naturalized after three years' service on merchant ships.

# State Naturalization Law.

(CHAP. 927, LAWS 1895.)

## Courts having jurisdiction.

SECTION 1. The supreme court in the respective judicial districts and the county courts in the respective counties of this state shall have jurisdiction of declarations of intention, and of applications of aliens to become citizens of the United States; no other court or courts now or hereafter established by this state shall entertain a primary or final declaration or application made by or on behalf of an alien to be admitted to become a citizen of the United States, or have or entertain jurisdiction of the naturalization of an alien; nor shall any clerk of any such court or courts receive any such declaration, application or papers.

Supreme and county courts only have jurisdiction.

## Primary declarations.

§ 2. Primary declarations of intention of aliens to become citizens of the United States may be recorded and filed in the supreme court in the respective judicial districts and the county courts in the respective counties of this state at any time, and the requisite and prescribed oath administered by the clerk of the court at the time of such recording and filing; a complete record of each and every of the said declarations shall be entered in the proper docket of the court by the clerk thereof, which said record the alien shall subscribe, or cause to be subscribed, and he shall also add, or cause to be added, in writing, the street and number of the house in which he resides, and the name of the city, town, village or other place where such residence is situated; provided, that where the street and number, as required by the provisions of this section of this act, can not be given, the place of residence shall be described with sufficient accuracy for identification.

Primary declarations, recording and filing of.

## Final application of aliens.

§ 3. Final applications of aliens to be admitted to become citizens of the United States, made in any of the courts of

Final application, when may

be made  
and filed.

Petition.  
form of

Certificate  
of moral  
character,  
etc.

Proviso as  
to applica-  
tions of

this state in which, by the provisions of this act, such applications may be made, may be filed in term time or during vacation; but final action thereon shall be had only on stated days, to be fixed by rule of the respective courts; every application shall be entered on the docket of the court on the day on which the application shall be made; such application shall be in the form of a petition, subscribed and verified by the oath of the applicant, and shall be filed in the court to which it is presented at least fourteen days before final action thereon shall be had; the petition herein provided for shall state the place and country of the birth of the petitioner and the time and place of his arrival in the United States, the grounds on which he claims the right to be naturalized, and shall set forth his name in full, his age and occupation, the name of the street and the number of the house in which he resides, and the name of the city, town, village or other place in which such residence is situated, and the name of the person or the name of the persons whom the said applicant intends to summon as witnesses at the final hearing upon his said application, together with the street and number of the residence or residences of such witnesses; simultaneously with the presentation and filing of the petition herein prescribed and provided for, there shall also be filed an affidavit of a person, who must be a citizen of the United States, and who may or may not be a person whom the petitioner intends to summon as a witness at the final hearing upon his application to be admitted to become a citizen of the United States, which said affidavit shall set forth the full name, residence and occupation of the affiant, and that the affiant is a citizen of the United States and is personally well acquainted with the petitioner, and that the said petitioner will have resided for five years within the United States, and one year within the state of New York, immediately preceding the return day of the petition, and that during that time the said petitioner has behaved as a man of good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same, provided that in applications made pursuant to sections two thousand one hundred and

sixty-six and two thousand one hundred and seventy-four of the revised statutes of the United States, it shall be sufficient for the affiant to swear to the length of residence or service required by said sections respectively, and in applications made pursuant to section two thousand one hundred and sixty-seven of the revised statutes of the United States, and any amendments thereof, the affiant shall also declare his belief, with the grounds therefor, that for the portion of the two years next preceding the return day of the said petition that has elapsed at the time of its presentation, it has been bona fide the intention of the petitioner to become a citizen of the United States; provided, that in applications where the street number, as required by the provisions of this section of this act, can not be given the place or places of residence shall be described with sufficient accuracy for identification; and provided further, that none of the provisions and requirements of this act shall be deemed to dispense with, nor shall they or any of them dispense with, the evidence and proofs, or other requirements, provided for and required in cases of naturalization under, in accordance with, and by virtue of the provisions of the revised statutes of the United States and the laws of congress.

certain  
aliens.

Require-  
of U. S.  
laws not  
dispensed  
with.

### Notice of application.

§ 4. Every person who may or shall hereafter make application in any of the courts of this state, in which by the provisions of this act such applications may be made, to be admitted to become a citizen of the United States, shall give notice in writing of his application to the clerk of the city, town, village or other place where he resides, or, if there be no clerk, then to the officer or person performing similar duties in such place of his residence, at least fourteen days before the final hearing upon his application, as aforesaid, which said notice shall contain his full name, age, occupation, residence and the name of the court in which his said petition has been filed and is pending; it shall be the duty of such clerk, or other officer or person, to make and preserve a complete record of all such notices in a form convenient for public inspection, and to give each applicant who has given such

Notice of  
applica-  
tion.

Contents of  
notice.

Record of  
notice.



Filing of  
certificate.

notice a certificate that the provisions of this section of this act have been complied with, and this certificate shall be filed by the said petitioner in the court in which his said petition is filed and pending determination before final action thereon shall be taken by the court.

### Posting of notice.

Notice to  
be posted.

§ 5. The clerk, or other officer or person performing similar duties, of the city, town, village or other place of the applicant's residence, shall, within seven days from the receipt of the notice prescribed in the preceding section, post in at least two public places in such city, town, village, or other place, the date of the receipt of the notice, the name of the applicant, his age, occupation, residence and court in which his petition is pending, on lists with blank forms containing the following headings :

Date of receipt of notice.	Name.	Age.	Occupation.	Residence.	Court in which petition is pending.

### Record of final application.

Record of  
final ap-  
plication.

§ 6. A record of every final application to be admitted to become a citizen of the United States shall be kept by the clerk of the court in which such application shall be made, and shall be open to the inspection of the public, at reasonable times and upon proper demand ; such record shall contain the names of all applicants, arranged alphabetically according to their surnames, and also the residences of the said applicants ; it shall further state the nationality of each applicant and the form and nature of the application, whether based upon a preliminary declaration of intention or upon a petition founded

upon and made in accordance with the provisions and requirements of section two thousand one hundred and sixty-seven of the revised statutes of the United States, and any amendments thereof, or otherwise; and it shall further state the name of the witness, or the names of the witnesses, summoned by the said applicant and appearing upon his final application to be admitted to become a citizen of the United States, with the residence or residences of such witness or witnesses; a return shall be made annually by the several clerks, on or before the first day of February of each year, to the secretary of state, of the full name and residence of each and every person so naturalized and admitted to become a citizen of the United States during the year prior to the first day of the preceding January, together with the date of such naturalization and admission to citizenship; and the returns so made shall be filed and kept by the secretary of state in a form convenient for reference. Copies of such returns, certified by the secretary of state under his official seal, shall be prima facie evidence of the facts therein stated.

Return to  
secretary  
of state.

Record  
thereof.

#### Fees of officer.

§ 7. The fees of the clerk or other officers or persons of cities, towns, villages or other places for the recording of the notice and the issuing of the certificate provided for under the provisions of the fourth and fifth sections of this act, shall be the sum of fifty cents for each application.

Fees of  
officers.

#### Penalty for violation.

§ 8. Any clerk or other person who records or files any declaration or application in any case of naturalization, or issues any certificate in any case of naturalization, in violation of the provisions of this act, or any of them, shall be punished by a fine of one hundred dollars.

Penalty for  
violation.

#### Payments by political committees prohibited.

§ 9. No political committee or committee of any political party, and no person who has received or accepted a nomination for any political office, shall make any payment or promise of payment of money to or on behalf of any person for

Payments  
by political  
committees  
prohibited.

fees for the primary or final declaration or application for naturalization, or for services as attorney or counsel, or as agent or otherwise in assisting or enabling any person or persons to make such declaration or application; whoever violates any of the provisions of this section of this act shall be punished upon conviction thereof, by a fine of not less than five hundred dollars nor more than one thousand dollars.

# Additional Laws Regulating the Conduct of Elections in the City and County of New York.

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## TIMES, PLACES, NOTICES, AND OFFICERS.

### Date and notice of general election.

“Hereafter all officers to be elected by the people, in the Date of election. city and county of New York, shall be chosen at the general election held on the Tuesday succeeding the first Monday of November in each year, except in case where special or other elections may be authorized by law. The clerk of the board of aldermen shall, on the first Monday of October in each Notice of general election. year, give notice by publication in not exceeding fifteen newspapers of large circulation, published in said city, specifying all the municipal officers (including ward and district officers) to be chosen at the general election in November following — comprising all the city officers voted for by the electors of the city at large — as well as all officers elected by wards or districts in said city; and it shall not be necessary for the secretary of state to include in the general election notice to the sheriff of the county of New York any city or ward officers of the city of New York, nor shall any other notice of the election of such city and ward officers be required, except the notice published by the clerk of the board of aldermen, hereinbefore specified.” (1882, *chap.* 410, § 1839.)

### Election day a legal holiday.

“The days upon which the general or local election shall Legal holiday. hereafter be held in the city and county of New York shall, for all purposes whatever, as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, be treated and considered as is the first day of the week, commonly called Sunday.” (1882, *chap.* 410, § 1840.)

**Sheriff or county clerk to notify.**

Sheriff or  
county  
clerk to  
notify.

"The sheriff or clerk of the county of New York, who shall receive a notice of an election, shall, without delay, deliver a copy of such notice to the board of aldermen, and each alderman of said city. He shall also cause a copy of such notice to be published once in each week until the election therein specified, in such newspapers in said county, not exceeding fifteen in number, having the largest circulation in the city and county." (1882, *chap.* 410, § 1931.)

**Elections to conform to state law.**

Applica-  
tion of  
state law.

"At every election hereafter held in the city and county of New York, the election and canvass of the votes cast thereat shall be in all respects conducted in conformity to the provisions of the general election laws of this state, except as in this chapter otherwise provided." (1882, *chap.* 410, § 1844.)

**Registers, arrangement of.**

Prepara-  
tion and  
arrange-  
ment of  
books.

"It shall also be the duty of the board of police to cause to be prepared, books for the registration of names and facts required by this chapter. Said books to be known by the general name of registers, and to be so arranged as to admit of the entering, under the name of each street or avenue in each election district, and the number of each dwelling in any such street or avenue, if there be a number thereto, and if there be no number, under such other definite description of the location of the dwelling place as shall enable it to be readily ascertained, found and located, of the names of all male persons resident in each dwelling in each of said districts who shall apply for registration. Such register shall be ruled in parallel columns, in which, opposite to and against the name of every applicant, shall be entered the words and figures hereinafter provided in this chapter, and shall be of such size as to contain not less than seven hundred names, and so prepared as that they may be used at each election in the city and county of New York, until such time as in this chapter provided for the succeeding general registration, and shall, on the inside, be in appearance and form as follows, to wit:

REGISTER OF VOTERS.

Address.	Sworn.	Nativity.	Color.	TERM OF RESIDENCE.			Naturalized.	Date of papers.	Court.	Qualified voter.	Date of application.	PERSONAL DESCRIPTION.					Why disqualified.	Date of erasing name.	Voted November.	Challenged.	Remarks.	
				Assembly district.	County.	State.						Age.	Height.	Weight.	Color of hair.	Visible marks on face or other deformities.						Peculiarities of voice.
in H.	Yes.	England.	White.	6 mos.	15 mos.	6 years.	Yes.	May 17, 1891	Superior, N. Y.	Yes.	Mar. 16, 1872											
n, Benjamin	Yes.	Georgia.	Colored.	1 year.	1 year.	2 years.	Native.			Yes.	Mar. 15, 1872											
n, William M.	Yes.	Canada.	White.	22 mos.	4 years.	10 years.	Yes.	Oct. 20, 1886	Supreme, N. Y.	Yes.	Mar. 30, 1872											

1892, chap. 410, § 1846. Thus amended by chap. 1034, Laws 1895.

**Arrangement and alteration of election districts.**

Alteration  
of districts.

Redistrict-  
ing by  
assembly  
districts.

Division of  
districts.

Consolida-  
tion of  
districts.

Renumber-  
ing.

“It shall not be lawful for the said board to alter or change either the number or boundaries of any election district, save in such years as by law the said city and county is redistricted by assembly districts, and in such years as the usual and customary enumeration of citizens in the city and county of New York is had and taken, when as early as the first day of September in any such year a general redistricting of the city shall be made by assembly districts, upon the basis of the registration of voters for that year last preceding the time of such redistricting, in which members of congress shall have been chosen. Such redistricting shall be made in such manner that each election district shall contain as near as practicable two hundred and fifty voters on the basis of such registration. On or before the fifteenth day of August in each and every year, said board of police may divide such election districts, and such only as by the registration of voters of the preceding year shall be found to have had a registration of more than four hundred votes. But in any such division of any such district, one portion of the district shall retain the original numerical designation, and the other portion shall take the number following the highest numbered district in the assembly district of which it forms a part. No election district shall be in part within two congressional districts. The said board of police may also, on or before the fifteenth day of August in each and every year, consolidate into one election district any two or more adjoining election districts in any assembly district, one of which election districts by the registration of voters of two preceding years shall be found to have had a registration of less than two hundred and fifty voters. Where in any assembly district any two or more adjoining election districts may be divided or consolidated as herein provided, the election district contained in said assembly district shall be renumbered accordingly in numerical sequence.” (1847, *amd. by chap. 169, Laws 1890.*)

**Inspectors of election, poll clerks and ballot clerks of the city of New York.**

“ All inspectors of election, poll clerks and ballot clerks in the city and county of New York shall hereafter be appointed by the board of police, who shall also have power to make all necessary removals and transfers, and to fill all vacancies which may, from any cause, arise. It shall be the duty of the said board of police, annually in the months of August and September, to appoint four inspectors of election, two poll clerks and two ballot clerks for each election district in said city. Not more than two of the said inspectors of election, one of the said poll clerks and one of the said ballot clerks for each district shall belong to the same political party or be of the same political faith and opinion in state and national issues, and those inspectors, poll clerks and ballot clerks, appointed to represent the party in the political minority on state issues in the said city and county, shall be selected solely by the commissioner or commissioners of police representing such political minority in the said board, so that two of such inspectors of election, one of such poll clerks and one of such ballot clerks, for each election district, shall belong to and be of the same political faith and opinion on state and national issues as the political party which, at the last preceding general election for state officers, cast the highest number of votes in the city of New York, and the remainder of such inspectors, and the remaining poll clerk and ballot clerk, for each election district, shall belong to and be of the same political faith and opinion on state and national issues as the political party which, at such election, cast the next highest number of votes for said officers in said city. On or before August fifteenth, in any year, the chairman of the executive committee of the general committee of each of said several political parties may make and file with the said board of police a list of persons qualified to be such inspectors, poll clerks and ballot clerks, and thereupon appointments shall be made as hereinbefore provided from the persons named in such list or lists; and if any of the persons so named shall not

Appoint-  
ment of  
election  
officers.

Political  
faith of  
appointees.

List of  
persons  
qualified



Appoint-  
ments  
from lists.

Qualifica-  
tions.

Notice of  
appoint-  
ment.

Oath of  
office.

Certificate  
of appoint-  
ment.

be duly qualified, the chairman of the committee by whom they were named may, within ten days after notice to him of the persons so disqualified, submit the names of other persons duly qualified, and if the names of qualified persons shall not be submitted as above provided, the board of police shall select and appoint qualified persons belonging to the political party entitled to name such officers. If more than one list for any political party is submitted to the board of police, the appointment shall be made from the list, if any, submitted by the organization of such party recognized as regular by the state convention of such party held next before such fifteenth day of August; or if the regularity of any of the organizations of a party submitting two or more such lists shall not have been passed on by such state convention of such party then such appointment shall be made from the list submitted by the organization decided to be regular by the state committee appointed by or organized in pursuance of such state convention. All persons so appointed inspectors of election, poll clerks or ballot clerks, shall be citizens of the United States and of the state of New York, of good character and able to read, write and speak the English language understandingly, qualified voters of said city, and not candidates for any office to be voted for by the electors of the election district for which they shall be appointed; but no person shall be required to be a voter or resident in the election district for which he shall be appointed an inspector, poll clerk or ballot clerk. The persons so appointed shall be notified, examined as to their qualifications, and, if approved, shall each take and subscribe before the chief of the bureau of elections, or the chief clerk thereof, within twenty days from the date of notice of appointment, the constitutional oath of office.\* Whoever shall be appointed and sworn into office as an inspector of election, poll clerk or ballot clerk shall receive a certificate of appointment from the board of police, such

\* "I do solemnly swear (or affirm), that I will support the constitution of the United States and the constitution of the state of New York, and that I will faithfully discharge the duties of the office of (inspector, poll or ballot clerk), according to the best of my ability." (Art. XII, Constitution State of New York.)

certificate to be in such form as shall be prescribed by the said board, and to specify the assembly and election districts in and for which the person to whom the same is issued is appointed to serve, and the date of the expiration of his term of office. The inspectors of election, poll clerks and ballot clerks appointed under the provisions of this chapter shall hold office for one year, unless sooner removed for want of the requisite qualifications, or for cause, in either of which cases such removal, unless made while such officer is actually on duty, on a day of registration, revision of registration, or election, and for improper conduct as an election officer, shall only be made after notice in writing to the officer to be removed, which notice shall set forth clearly and distinctly the reasons for his removal. Provided, that any inspector of election, poll clerk or ballot clerk, who shall at any time be appointed to fill a vacancy, which fact shall be stated in a certificate of appointment, shall hold office only during the unexpired term of his predecessor, and that no inspector of election, poll clerk or ballot clerk shall be transferred from one election district to another after he has entered upon the performance of his duties." (1894, *chap.* 348, § 4.)

Term of  
office and  
removals  
for cause.

Not to be  
trans-  
ferred.

### Vacancies.

"Whenever there exists a vacancy in the office of an inspector of election, poll clerk or ballot clerk, the person appointed to fill such vacancy shall belong to and represent the same political party as the officer whom he succeeds." (1893, *chap.* 274, § 1853.)

Political  
faith of  
appointee  
to fill  
vacancy.

### Pay of election officers; exemptions.

"Inspectors of election, poll clerks and ballot clerks appointed in pursuance of the provisions of this chapter shall be entitled to receive six dollars per day for each day's service at any registration or revision of any registration, *and twelve dollars per day for each day's service at any election*, which compensation shall be paid on the certificate of the chief of the bureau of elections as to the period of service; but no payment shall be made to any person as an inspector of election, poll clerk or ballot clerk who shall not have taken, sub-

Pay of elec-  
tion offi-  
cers.

Exemption  
from mili-  
tary and  
jury duty.

scribed and filed the oath or affirmation required herein, and who shall not, during the period of his service have fully complied with all the requirements of law in anywise, relating to his duties, and the acting of any such person, in either of said capacities without having taken, subscribed and filed the said oath or affirmation, shall be deemed to be and punished as a misdemeanor. Inspectors of election, poll clerks and ballot clerks during the time they shall hold such office shall be exempt from the performance of military and jury duty." (1893, *chap.* 274, § 1854.)

### Term of service and examination of election officers.

Appear-  
ance for ex  
amination.

Term of  
service.

Penalty for  
refusal to  
comply  
with re-  
quire-  
ments.

What  
deemed a  
refusal.

"Each and every person selected and notified by the board of police as its choice for the office of inspector of election, poll clerk or ballot clerk, shall on the receipt of notice thereof, appear within ten days thereafter before the chief of the bureau of elections, for the purpose of examination, and if found qualified, shall, unless excused by said board by reason of ill health, or other good and sufficient cause, be bound to serve as such officer at every election for the term of one year from the date of his appointment, and in case of neglect or refusal to comply with the above requirements, or to serve or act, shall be liable to a penalty of one hundred dollars, recoverable by the said board by civil action, in any court of record, in the name of the treasurer of the board, and for the use and benefit of the police fund; and a failure on the part of any such person to present himself for examination, or to comply with any of the requirements of this chapter preliminary to receiving his certificate of appointment within the time prescribed, or to attend on the day of any registration or revision of registration, or the day of any election during said term, unless prevented by sickness or other sufficient cause, the burden of proof which shall be upon the delinquent, shall be deemed a refusal within the meaning of this section." (1893, *chap.* 274, § 1855.)

### Designation of places of registry and polling places.

Board of  
police to  
designate  
places.

"Hereafter the board of police of the city of New York shall designate and appoint the place of registry and polling

place in each of the election districts in the city and county of New York, and shall hire all such places, and cause the same to be fitted up, warmed, lighted, and cleansed, and the work of registration shall be carried on at the places so designated for such purpose. But in each election district such place shall be in the most public, orderly and convenient portions of the district, and no building or part of building shall be designated or used as a place of registry, revision of registration, or polling place, in which, or in any part of which, spirituous or intoxicating liquor is sold, or has been sold within sixty days next preceding the time of using the same; and no place shall be designated or used for any such purpose without the same shall be well lighted with gas — unless there shall be no place in the district obtainable which is so lighted.” (1882, *chap.* 410, § 1873.)

Certain buildings not to be designated.

## \* QUALIFICATION AND REGISTRY OF VOTERS.

### General registration.

“Hereafter there shall, in the city and county of New York, be a general registration of the qualified voters resident in each election district in said city and county at the times hereinbelow provided, and then only: On Tuesday four weeks, the Wednesday of the third week, and the Friday and Saturday of the second week preceding the day of the November election, in each year. For each and every election held in the city and county of New York, other than such as above designated in this section, there shall be a revision of the general registration had, as provided in this chapter, which revision shall be made on the Friday and Saturday of the second week preceding the day of each and every such election.” (1882, *chap.* 410, § 1857.)

General registration.

Revision of registration for certain elections.

### Proceedings of boards of registry.

“The inspectors of election appointed pursuant to the provisions of this chapter shall, at the times in this chapter desig-

Meeting of inspectors.

\* For general provisions of law applicable to registration see “Registration of Voters,” *ante*.

nated for a general registration, meet in their respective election districts, at the places which, as provided in this chapter, shall be designated therein for such meetings, and at such times in each election district the said inspectors of election shall openly and publicly do and perform the following acts, viz. :

Organiza-  
tion of  
boards.

"1. They shall organize, as a board, by selecting one of their number to act as chairman ; but in the case of failure so to organize within fifteen minutes after the time fixed for the meeting, the chairman shall be selected by lot.

To receive  
applica-  
tions.

"2. They shall receive the applications for registration of such male residents of their several election districts as then are, \* on the day of election next following the day of making such application, would be, entitled to vote therein, and who shall personally present themselves, and such only.

Hours of  
sessions.

"3. They shall remain in session on each of said days, between the hours of eight o'clock in the morning and nine o'clock in the evening, and shall administer, to all persons who personally apply to register, the following oath or affirmation, viz. : ' You do solemnly swear (or affirm) that you will fully and truly answer all such questions as shall be put to you, touching your place of residence, name, place of birth, your qualifications as an elector, and your right as such to register and vote under the laws of this state.'

Oath to  
applicant.

Examina-  
tion of ap-  
plicant and  
entry of  
state-  
ments.

"4. They shall then examine each applicant as to his qualifications as an elector and, unless otherwise provided herein, shall immediately, and in the presence of the applicant, enter in the registers, to be made and furnished as provided in this chapter, the statements and acts below set forth, and in the manner following, viz. : First. Under the column ' residence,' the name and number of the street, avenue, or other location of the dwelling, if there be a number, but if there shall not be a number, such clear and definite description of the place of said dwelling as shall enable it to be readily ascertained, fixed and determined ; and if there shall be more than one house at the number given by the applicant as his place of residence, in which house he resides, and if there be more than one family residing in said house, either the floor on

Entry un-  
der column  
"resi-  
dence."

\* So in the original.

which he resides, every floor below the level of the ground being designated as the basement, the first floor on or above such level as the first floor, and each floor above that as the second, or such other floor as it may be, or the number or location of the room or rooms occupied by the applicant and whether front or rear. Second. Under the column 'address,' the name of the applicant, giving the surname and Christian name in full; but the names of all persons residing in the same dwelling to follow each other, and to be under the street and house number, or other description, as provided, of the dwelling. Third. Under the column of 'sworn,' the word 'yes' or 'no,' as the fact shall be. Fourth. Under the column of 'nativity' the state, country, kingdom, empire or dominion as the fact shall be stated by the applicant. Fifth. Under the column of 'color' the words 'white' or 'colored,' as the fact shall be. Sixth. Under the subdivisions of the general column of 'term of residence,' the periods by months or years stated by the applicant, in response to the inquiries made for the purpose of ascertaining his qualification and filling such column. Seventh. Under the column of 'naturalized,' the words 'yes' or 'no' or 'native,' as the fact shall be stated. Eighth. Under the column of 'date of papers,' the date of naturalization, if naturalized, as the same shall appear by the evidence of citizenship submitted or presented by the applicant in compliance with the requirements of this chapter. Ninth. Under the column of 'court,' the designation of the court in which, if naturalized, such naturalization was done, as the same shall appear by the evidence of citizenship submitted or presented by the applicant in compliance with the requirements of this chapter. Tenth. Under the column of 'qualified voter,' the words 'yes' or 'no,' as the fact shall appear and be determined by at least three of the board of inspectors of election, it being, however, required of them to designate as a qualified voter any male person who, being otherwise qualified, shall not at the time of making the application be of age, provided the time when such applicant shall be of the age of twenty-one shall be subsequent to the date of his making application, and not later than the day of the

Address.

Sworn.

Nativity.

Color.

Term of residence.

Naturalized.

Date of papers.

Court.

Qualified voter.

**Date of application.** election immediately following such time of applying. Eleventh. Under the column of 'date of application,' the month, day, and year when the applicant presented himself and was adjudged a qualified voter in the election district. Twelfth, **Personal description.** Under the column of 'personal description,' a statement containing his approximate age, height and weight, the color of his hair, visible marks on the face and other distinguishing deformities of any kind, or peculiarities of voice." (1882, chap. 410, § 1858. *Thus amended by chap. 1034, Laws 1895.*)

### Revision of registration for special elections.

**Meeting of inspectors.** "On the days and at the times in this chapter designated for any revision of any general registration, the duly qualified inspectors of elections shall meet in their respective election districts, at the places which, in accordance with the requirements of this chapter, shall have been provided for such meetings, and shall openly and publicly do and perform the following acts, namely: Each and every of the duties and requirements set forth in subdivisions one and three of section eighteen hundred and fifty-eight of this act. They shall in each election district receive the applications for registration of such male residents of the election district whose names are not then borne upon the registers thereof, as qualified voters therein, as shall personally present themselves, and who, on the day of election next ensuing, would be entitled to vote therein, and as to all applications made to them shall proceed therewith in the manner provided in subdivision four of section eighteen hundred and fifty-eight of this act, provided that if, upon the examination, as in this chapter provided for, of any applicant for registration, it shall appear that he has, since the last day of any general registration of voters or revision thereof, in the said city and county of New York, moved into or become a resident of said election district, the said inspectors shall inquire from where such applicant removed or came from; and if it shall appear that such removal was from a place within the said city and county, they shall inquire if, in the election district in which he resided at the time of the last preceding general registration (naming

**Duties.**

**To receive applications.**

**Proceedings thereon.**

such time), or in which he has resided at the time subsequent thereto, he has been registered, or has applied for registration ; and if he shall swear that he has not, then the said inspector shall proceed with said application as with that of any other person who may apply to them ; but if he shall swear that he has been so registered, the said inspectors shall, before further proceeding, require him to present to them a certificate of removal, as provided for in this chapter, so that his name shall not be upon the registers of two election districts ; and upon the presentation to any board of inspectors of any certificate of removal, the said board shall treat the person presenting the same in the manner provided in subdivision four of section eighteen hundred and fifty-eight of this act, for applicants for registration." (1882, *chap.* 410, § 1859.)

Certificate of removal, when to be presented.

### Removal proceedings in special elections.

"Any person who shall at any time, as provided in this chapter, have personally applied to the inspectors of election in any election district of the city and county of New York for registration, and shall have in the registers thereof been entered as a qualified voter, and who shall at any time prior to the close of any revision of registration have removed from the dwelling-place under which he shall, as a resident, be borne upon the registers, may, upon any day provided in this chapter for meetings of the inspectors of election, other than the day of any election, personally appear before the said inspectors in the election district in which he resided at the time his name was entered upon the said registers, during the hours in this chapter provided for their sessions for such revision, and publicly take and subscribe, before one of said inspectors, the following oath or affirmation, which shall be known as an oath of removal :

Voter may appear and take oath of removal.

"I.....residing at number.....in the.....election district of the.....assembly district of the city and county of New York, do solemnly swear (or affirm) that I am duly entered in the.....registers of said election district, from said residence as a qualified voter, and that I have removed my place of residence to number.....in the.....election district of the.....assembly district of said city and county, and I do

Form of oath.



hereby request that the proper entries and records be made as the same are provided for by law, and that a certificate of removal be furnished me at this time.'

Filing of  
oath.

Name to be  
stricken  
from list  
upon satis-  
fying in-  
spectors.

Entries to  
be made in  
registers.

"Upon such oath or affirmation being made and subscribed as herein provided, it shall be the duty of the said inspectors to carefully preserve the same, and file within twenty-four hours after the close of any revision of registration, in the bureau of elections. And upon any such person so taking and subscribing said oath of removal, the said inspectors of election, if satisfied of the identity of the person making the same with the person he claims to be, as the description of said last-mentioned person shall appear on the registers, and if not satisfied therewith, shall at once, by a police officer present, or by any one whom said board shall especially authorize, make an examination and inquiry at the place of residence of said person, as the same shall be entered upon the registers as to the fact of the removal of such person from said dwelling-place, when if his removal therefrom shall be found by the report of such person to be a fact, shall immediately proceed to strike from said registers the name of such person by entering in each of the registers, opposite to and against the name of any such person, and in the column headed, 'why disqualified,' the word 'removed;' in the column headed 'date of erasing name,' the month, day and year of such striking from said registers such name; and in the column headed 'remarks,' the words 'transferred to,' together with the number of the election and assembly districts to which such person shall, in his oath of removal, state he has removed and the initial letters of the name of the inspector who shall in each of said registers make such entries; and shall, through the name of any such person, as the same shall appear on said registers, and there only, draw a line as indicative that such name is erased from the registers of that election district, and the name of any such person so found stricken and erased from said registers, shall, as to his name and residence at the place in said registers entered under the column of 'residence,' be thereafter considered by the bureau of elections, all inspectors of election, and all other election

officers to be stricken from the registers of that election district, and shall be treated as if never entered thereon. If the dwelling-place to which any such person shall have removed, be within the boundaries of the same election district as was his former residence, as stated in the registers of said election district, the said inspectors shall in said registers, under the number or other description of the dwelling-place to which such person has removed, enter his name, and in the several columns opposite and against the same, such words and figures, as prior to the striking from or erasing of the name of such person in the manner in this section above provided, were in the column similarly headed and opposite to and against the name of each person as upon said registers, it appeared under the dwelling-place from which he shall have declared he has removed; and if the dwelling-place to which any such person shall have removed, shall be within the boundaries of any other election district than was the residence, under which he was previously entered on said registers, the said inspectors of election shall fill up, sign, and deliver to such person a certificate, which shall be known as a certificate of removal, and shall be in the words and figures following, to wit :

Certificate  
of removal.

" ' CERTIFICATE OF REMOVAL.

" ' Polling place of the ..... election district  
..... assembly district ..... city of New  
York, ..... 18. .... To the board inspectors  
of election ..... election district .....  
assembly district.

Form of  
certificate.

" ' This is to certify that the name of .....  
heretofore residing at ..... in this election district, has  
been by us, the inspectors of election in this district, stricken from the  
registers of this district and the proper erasures made upon the oath of  
removal, and at the request of said above-mentioned person; and that upon  
the registers of this election district were entered as to him the following  
statement :

Name	Residence
Sworn	Nativity
Color	Term of residence
Assembly district	County
State	Naturalized
Date of papers	Court
Qualified voters	Date of application

(1882, chap. 410, § 1860.)

.....  
.....  
.....

**Manner of keeping registers.**

Copies of registers.

Comparison of copies and registers.

Certification and filing of copies.

Copies of registers on revision of registration.

Blanks to be filled and certified.

"The inspectors of election in each election district shall, on each day of any general registration, before adjourning, enter in each of two books prepared for that purpose, one of which shall be known as a public copy of the registers, and the other of which shall be known as the election bureau copy of the registers, all such names and residences, and all such data, information and statements, as during the day have been entered by the inspectors of election in the registers provided in this chapter. And the whole of said books, including those kept one by each of the said inspectors, and the two copies above named, shall, on each of said days, after the completion of such copies of the registers, be carefully compared throughout, so that each of the registers and copies thereof shall, in every respect, agree with each other, and contain the name and residence of each person who shall have applied for registration, and the facts respecting him, as the same shall have been stated by him and entered in the registers, as provided in this chapter. The said inspectors shall, on the last day of any general registration, certify each of said copies in the same manner as if it were an original, and within forty-eight hours after their adjournment on said last day of any such general registration shall file the election bureau copy of the registers with the chief of the bureau of elections at his office, where the same shall be carefully preserved. And the said inspectors shall, on the last day of any revision of registration, before adjourning, make a copy of the registers as they shall then be made up for the election next ensuing, which copy shall be marked and known as a public copy, and shall be certified as a copy of the original registers as then existing for the election next ensuing; and they shall also make, fill and certify, in blanks to be prepared and furnished for that purpose, the name and all such other particulars as shall be entered against or opposite to the name of any person which, having been once entered upon their registers, shall have been, on the days of any such revision of registration, for any reason stricken therefrom, as provided in this chapter, together with the name

and all such other particulars as shall be entered against or opposite to the name of any person who shall, on any such day of revision, have been added by them to the said registers; and said blanks so filled up and certified shall, within forty-eight hours after the close of any revision of registration, be left by one of said inspectors at the bureau of elections; and it shall be the duty of the chief of the bureau of elections to immediately enter, or cause to be entered, in the election bureau copy of the registers of each election district, on file in his office, all the proper and necessary entries requisite to make said copy conform to said registers, and be always a copy thereof." (1882, *chap.* 410, § 1861.)

To be left  
at bureau  
of elections.

### Registers ruled at close of daily registration.

"The inspectors of election in each election district in said city and county of New York on each day of any general registration, or revision of registration, and before adjourning, shall, on each of the registers, and on each copy or copies thereof, as in this chapter it is provided shall on each of said days be made or kept, draw in ink immediately below the last name entered underneath each dwelling-place and below the last written words and figures entered opposite to or against such last name in each column, save that of residence, a heavy line as indicative of the fact that the entering of names on the said registers for the day mentioned in the column headed 'date of application,' and opposite to or against the name of the last person entered under any dwelling-place there ceased." (1882, *chap.* 410, § 1862.)

Ruling at  
close of  
daily registra-  
tion.

### Registers to be certified.

"The inspectors of election in each election district in the city and county of New York shall, in a place to be provided therefor on each of the registers required in this chapter, fill up, date, and each sign with his name and place of residence the appropriate and proper certificate, which shall be either printed or written, and for a general registration shall be in the words and figures following, to wit:

Certificate  
for general  
registration.

“ We, the undersigned inspectors of election, in the ..... election district of the ..... assembly district of the city and county of New York, do jointly and severally certify that at the general registration of voters held in said election district, on the ..... days of ..... and the ..... days of ..... in the year ... there was registered by us as qualified voters in the said election district, the names which in this book are entered as of said days, and that the number of such registered qualified voters was and is .....

“ Dated New York, ....., 18...

.....  
.....  
.....  
.....’

Certificate  
for revision  
of registra-  
tion.

“ And for a revision of any general registration, said certificate shall be in the words and figures following, to wit :

“ We, the undersigned inspectors of election, in the ..... election district of the ..... assembly district of the city and county of New York, do jointly and severally certify that at the revision of the last general registration of voters held in said election district, on the ..... days of ..... in the year of ..... there was by us added to the registered qualified voters of said election district, the names which in the registers are so entered as of the said days, and such number was and is ....., and that they were stricken from the registered qualified voters of said election district, the names which in the register appear on said days to have been stricken off and erased in the manner prescribed by law, and that such number was and is ..... leaving the total number of registered qualified voters in said election district for the next ensuing election ....., which is the number of names now borne in this book as such qualified voters for such election.

“ Dated New York, ....., 18...

.....  
.....  
.....  
.....’”

(1882, *chap.* 410, § 1863.)

### Registers to be retained by inspectors.

Inspectors  
to retain  
registers.

“ The inspectors of election in each election district in the city and county of New York shall, after making and signing either of the aforesaid certificates, retain and carefully preserve all the said registers provided for in this chapter-- each inspector retaining the book which he made, or of which he had the custody and care on the days of any registration, or

revision of registration — for their use on the day of the next ensuing election. The public copy of the registers they shall, at the close of the proceedings on each day of any general registration, and upon the determination of their proceedings on the last day of any revision of registration, leave suspended in the place where such registration or revision of registration was conducted, where it shall be and remain until the next meeting of said inspectors, whether such meeting be for the purpose of registration, revision of registration or election, to the end that the same may be inspected and copied by any elector in said city and county. But on the day of any election the said inspectors shall take possession of said public copy, and the chairman shall closely retain the same throughout the said day, returning it to the chief of the bureau of elections, as provided in this chapter, for the return of the registry kept by him, and with said register; and said copy shall be by the said chief of the bureau of elections retained and preserved and filed in said bureau." (1882, *chap.* 410, § 1864.)

Public copy to be suspended in registry place.

Custody and return of copy on election day.

### List of voters registered.

"It shall be the duty of the inspectors of election in each election district, on each day of general registration or revision of registration, and before adjourning, to copy from the registers the names and residences of all persons registered upon that day, so that the names of those persons having the same residence shall appear together in the form and manner following, namely :

List of voters registered.

"List of voters registered in the ..... election district of the ..... assembly district, of the city and county of New York, on the ..... day of ..... eighteen hundred and .....

Residence.	Name.
141 East 32d street .....	Hill, John H.
" " " .....	Stevenson, Benj. K.
" " " .....	Denison, Wm. M.
143 " " .....	Harrison, George E.
" " " .....	Williams, James S.

Certificate  
thereto.

“And they shall append thereto a certificate signed by each of them in the words and figures following, namely :

“We, the undersigned inspectors of election, in the.....  
election district of the ..... assembly district in the  
city and county of New York, do jointly and severally certify that the  
list hereunto annexed is a true and correct copy of the names and resi-  
dences, upon the registers, of all persons who have been registered by us  
as qualified voters in said election district, this ..... day  
of ..... in the year .....

.....  
.....  
.....  
.....

Delivery  
of list.

“And it shall be the duty of the chairman of the board of inspectors of election, in each election district, to deliver such list, copy, and certificate prepared in the manner herein prescribed, immediately upon the completion thereof, to the captain of the police precinct in which the election district is situated ; and it shall be the duty of such captain to deliver the same, without delay, and within twelve hours after the close of each day of general registration or revision of registration, to the supervisor of the City Record. It shall be the duty of the chief of the bureau of elections to prepare and furnish to the inspectors of elections in each election district the necessary blanks and forms as prescribed in this section.

Blanks.

Penalty for  
refusal to  
comply  
with re-  
quire-  
ments.

Any inspector of election who shall neglect or refuse to comply with the requirements of this section, shall be liable to a penalty of one hundred dollars, recoverable by the board of police by civil action, in any court of record, in the name of the treasurer of the board, and for the use and benefit of the police fund.” (1882, *chap.* 410, § 1865.)

### Record of death (special elections).

Record of  
deaths to  
be fur-  
nished in-  
spectors.

“It shall be the duty of the chief of the bureau of elections, from time to time, \* \* \* to so arrange the names of all male persons twenty-one years of age and upwards, who, by his records, appeared to have died subsequently to the passage of this act, as that alphabetical lists by assembly districts, with residences, ages, and a full statement of all particulars may,

at any time, be made therefrom, and from the names and facts so arranged, to have prepared and made, or printed, and to cause to be delivered to each inspector of elections in each election district in the city and county of New York, on or before the organization of the board of inspectors in each district on the first day of any revision of registration, an alphabetical record of the male persons, twenty-one years of age and upwards, who in the assembly district in which the election district in which the inspector is to serve, since the third day prior to the day of the last preceding election, and within at least five days prior to any such first day of revision of registration, have died. Such record shall be known and designated as a record of deaths; and it shall be the duty of each of the inspectors of election in each election district, upon the receipt of such record, to securely attach the same to the inside of the register in his custody, to the end that it may be preserved; and on the first day of any meeting of the inspectors of election in any election district, held for the purpose of a revision of registration, it shall be the duty of each inspector, as soon as the organization of the board of inspectors is completed, to examine the register in his custody, and as to the name of every person upon said registers, who by said record of deaths shall, by a coincidence in respect to said name and facts, appeared to have deceased, and opposite to and against every such name, to enter, in the column headed 'why disqualified,' the word 'dead,' in the column headed 'date of erasing name,' the month, day, and year of such erasing, and in the column headed 'remarks,' the words 'stricken from registers,' adding against each such entry made in the column of 'remarks,' the initial letters of the name of the inspector making such entry, and through the name of every person so stricken from the registers, and then only, shall draw a line as indicative that such name is erased from the register of that election district." (1882, *chap.* 410, § 1868.)

Duty of inspectors upon receipt of record.

#### Additional record of deaths (special elections).

"It shall further be the duty of the chief of the bureau of elections to prepare by assembly districts, in the manner set

Additional record of deaths to



be furnished in-  
spectors.

Duty of  
inspectors  
upon receipt of  
same.

forth in the preceding section, an additional record of such deaths as shall have occurred subsequent to the date of the record of deaths provided for in the preceding section, and within at least three days prior to the day of any such local election held in the city of New York. Said record shall be known and designated as an additional record of deaths, and a copy thereof shall, on or before the opening of the polls in each election district on the day of any such local election, be furnished to each inspector, who shall securely attach the same to the inside of his register, to the end that it may be preserved, and he have the same during the day of election with him at the polling-place, and on the opening of the poll shall proceed to make the same examination, entries, letters, and lines as to the name of any registered person found upon said additional record of deaths, as is provided for in the preceding section in the case of the name of a registered person found on the record of deaths." (1882, *chap.* 410, § 1869.)

#### Records of deaths, filing of (special elections).

Filing of  
records.

"The record of deaths, and the additional record of deaths, provided for in this chapter and furnished to each inspector, shall be left by him with the chief of the bureau of elections at the time and in the manner provided for the return of the register used by him on the day of any local election, and with such register." (1882, *chap.* 410, § 1870.)

#### Qualified voters may challenge.

Qualified  
voters may  
challenge.

Right to be  
heard as to  
correctness  
of register.

"Any person who is a qualified voter in the city and county of New York may, upon any day of registration, or revision of registration, or of election, challenge and contest the right of any person to be registered in any election district, or to vote at any poll in the said city or county, or may require the name of any registered person to be marked for challenge, and on any such day or days shall be entitled to be heard by the inspectors of election in any election district in relation to correctness of or additions to their registers." (1882, *chap.* 410, § 1872.)

### Challenges to applicants for registry.

"Any person who appears personally at any meeting of the board of inspectors for registry for any election and applies to have his name placed on the list of voters, may be challenged by any qualified elector of such district. If such applicant be so challenged, or if any member of the board shall have reason to suspect that such applicant is not entitled to registry, the board shall administer to such applicant the oath which is required by law to be administered to a challenged person offering to vote at a general election, and may thereupon examine him as to his qualifications as an elector, and may require him to state, under oath, his age, residence by street and number, and if it have a street number, and otherwise to describe the locality thereof, and if he is not a householder, to state the name of the householder with whom he resides, and in like manner to describe the residence of such householder. If the applicant shall make such statement, and shall make oath to the circumstances which qualify him to vote at such election in such district, his name shall be added to such list of voters. If he shall refuse to make either such oath or statement, his name shall not be placed on such list." (1892, *chap.* 680, § 35.)

Challenge of applicant.

Oath to be administered.

Examination of applicant.

Names to be added upon statement and oath.

### Registry of challenges.

"If, at a meeting of a board of inspectors for registry, any elector of the district shall, upon oath, declare that he has reason to believe that any person on such list of voters will not be qualified to vote at such election, the board of inspectors shall place the words 'to be challenged' opposite the name of such person, and when such person shall offer his vote at such election, the general oath as to qualifications shall be administered to him, and if he shall refuse to take such oath, he shall not be permitted to vote." (1892, *chap.* 680, § 36.)

Entry for challenge at elections.

Oath at elections.

### Addition and cancellation of names on the registry lists.

"If the board of inspectors shall, at any meeting, neglect or refuse to place upon such list a name of any person who is entitled to have his name placed thereon, application may be

Addition of names to list.

Cancellation of names on list.

made to any justice of the supreme court of the judicial district in which such election district is, or to any justice of the supreme court residing in a county adjoining such judicial district, or to a county judge of the county, or to any judge of a court of record of the city in which said election district is; and such justice or judge may, upon sufficient evidence, and upon such notice, of not less than twenty-four hours to the board of inspectors, and such other persons interested, of such application, as the justice or judge may require, order such name added to such list or registry of voters and such list shall be corrected accordingly. In case the name of any person not qualified to vote in such election district, or who can not be so qualified at the time of such election, shall appear upon such lists, application may be made by any elector of the said district, to any justice or judge hereinbefore specified, for an order striking such name from the list, and such justice or judge may, upon sufficient evidence, and upon such notice of not less than twenty-four hours to the person interested, of such application, as the justice or judge may require, and served either personally or by depositing the same in the post-office addressed to said person by his name, and at the address, which appears in the registry lists certified by the inspectors of election, order such name to be stricken from such list or registry of voters, and such lists shall be corrected accordingly, and for the purpose of carrying into effect any such order the inspectors must, if required thereby, convene at once upon the service upon of\* them of such order, and carry out the directions therein contained." (1894, *chap.* 275, § 37.)

#### Removal from or within the election district.

Removal from or within election district.

In case of special elections.

"No person who is registered in one election district shall register or cause himself to be registered in another district while any prior registration remains unerasd, or in any other manner than is in this chapter provided; but if in the event of any revision of any general registration in any portion of the city and county of New York, any person shall present

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\* So in the original.

himself before any board of registration for the purpose of being registered as a voter, and it shall appear that the name of such person is borne upon the registry of any election district other than that in which he shall at the time of such revision make application for registration, and that since the day of the preceding election or registration he has removed from the district in which he was then registered to the district in which he shall at the time of any such revision, apply for registration, and it shall also appear that there is no meeting of the board of inspectors in the district in which his name shall be borne upon the registry for the purpose of revision, then and in such event the oath of removal may be made before any member of the board of inspectors in any district to which he shall have removed, and the person so appearing at any such revision of registration shall be entitled to all the rights and privileges to which he would be entitled were the registration a general registration, and the said person making an original application for registration." (1882, *chap.* 410, § 1875 )

#### **Powers of majority of inspectors.**

"For all powers, authority, and duties in this chapter prescribed for or conferred upon, and all action required of inspectors of election, or of a board of said inspectors of elections save where such authority or action is specifically allowed to each of said inspectors, the concurrence or assent of a majority of all the inspectors of election in any election district must in all cases be obtained." (1882, *chap.* 410, § 1876.)

Powers of  
majority of  
inspectors.

#### **Election district officers.**

"The several offices of inspectors of election and poll clerks in this chapter named and created, are and shall be in all courts and proceedings deemed and held respectively to be election district officers, and it shall be the duty of the said inspectors of elections and poll clerks, respectively, or of a majority of the said inspectors, to be in constant attendance during the hours and times fixed for the discharge of their several duties." (1882, *chap.* 410, § 1877.)

Election  
district  
officers.

**Election records to be open to the public.**

Records to  
be open  
and public.

“All data and statistics, and all registers, poll-books, and records of every kind and nature which, under this chapter, or under any laws of this state, or which in compliance with any direction, resolution, or order of the board of police of the city of New York, are or may be required to be made, ascertained, or kept by, or returned to or filed with either the chief of the bureau of elections or the register of records, in the board of health, shall at all times, during office hours, be open to the inspection, examination, comparison, and copying of any citizen or elector, free of any charge whatsoever.” (1882, *chap.* 410, § 1878.)

**Election officers may canvass their districts.**

Officers  
may can-  
vass their  
districts.

“Any inspector of election, poll clerk, or other officer of elections, or any challenger appointed in compliance with the provisions of this chapter, or any person designated as provided in this chapter to be present at the canvass of any ballots, shall at any time between the Tuesday five weeks preceding the day of any general or local election held in the city and county of New York, and ten days after the first official promulgation by the board of county canvassers of the canvass, declaration, and certificate of the result of any such election, have full power and authority to make a thorough and effective canvass of the election district in and for which he has been or was designated to serve and act, upon any day of registration, or revision of registration, or election, and to make full inquiry respecting any and every male resident of any dwelling, building, or other place of abode in any such election district, his age, term of residence, and qualifications as a voter; but the power and authority by this section conferred upon any inspector of election, poll clerk, or other officer of election, or any challenger or person designated to watch the canvass of ballots, shall wholly cease upon his resignation or removal from the office or position to which he was appointed, or for which he was designated.” (1882, *chap.* 410, § 1879.)

Power con-  
ferred,  
when to  
cease.

### Special elections.

"If at any time a special election shall be held in any portion of the city and county of New York, the same revision of registration shall be had and made for any such portion of said city and county, and at the same intervals of time and times preceding the day of any such special election, and in the same manner as if the said election was a local election in, for and throughout the said city and county, and each and every of the provisions of this chapter not inconsistent with the terms of this section, shall apply with as full force and effect to any such special election or revision of registration therefor as if the same was for a local election in, for, and throughout the said city and county." (1882, *chap.* 410, § 1880.)

Revision of registration.

Provisions applicable.

### \* CONDUCT OF ELECTIONS.

#### General duties of inspectors in connection with registers at polls.

"The inspectors of election in each election district of the city and county of New York shall, on the day of any election therein, have with them at the polling-place in said district the registers provided for in this chapter. They shall each make use of one of said registers for guidance on said day, and no vote shall be received from any person whose name shall not be found by at least three of them to be upon at least three of the said registers as a qualified voter. The chairman of said inspectors in each election district shall, if present, and if absent, then one of the other inspectors shall, upon any person offering to vote, announce in a loud, clear, and distinct manner the name of such person, and no ballots shall be received by either of the inspectors, or deposited in

Inspectors to have registers at polls.

Chairman to announce whether voter is registered.

Ballots not received unless

\* NOTE.— For general provisions relating to hours of opening and closing polls; preservation of order by inspectors; regulations within guard rail; watchers, challengers, electioneering, etc.; delivery of ballots to voters; preparation of ballots for voting; manner of voting; general duties of ballot clerks; general duties of poll clerks; general duties of inspectors; use of unofficial ballots; challenge and preliminary oath; general oath on challenge; minutes respecting challenges and ballots marked for identification, see "Election regulations," *ante*.

names on  
three  
registers.

Entries  
upon  
registers.

Compar-  
ison of  
registers at  
close of  
polls.

Filing of  
registers

Registers  
to remain  
in posses-  
sion of in-  
spectors  
at polls.

any of the ballot-boxes until at least three of the said inspectors shall, as hereinbefore provided, have examined and found the name and residence of such person and have declared the same, and that such person is entered as a qualified voter; when, if the vote of said person is received, at least three of the inspectors shall write in the appropriate column bearing the heading 'voted,' and opposite to the name and residence of such person the word 'yes.' It shall be the duty of each of the inspectors to note on the register in his possession, in a suitable and separate part thereof, the name and residence of each and every person, if any, whose vote shall be received in contravention of the provisions of this section, and the name of the inspector or inspectors, if any, who shall so receive or deposit in the ballot-boxes, or either of them, any such vote; and it shall further be the duty of each of the inspectors, immediately on the close of the polls on the day of election, to compare the said registers as kept by them, as herein provided, and attach to them a certificate in writing that the same are correctly checked, and within twenty-four hours after the completion of the canvass of the votes cast in the election district in which they served, to leave said registers at the office of the chief of the bureau of elections, whose duty it shall be to file and preserve the same, as provided in this chapter. And in no election district in the said city and county shall any inspector, who has custody or charge of either of the registers in this chapter provided for, ever permit said register to leave his possession from the time of receiving custody of the same until he shall file the same, as provided in this chapter, save in the event of his resignation or removal, and the appointment as provided in this chapter of his successor, when he shall promptly surrender and turn over the same to him." (1882, *chap.* 410, § 1866.)

### Registered persons not voting, to be marked.

Registered  
persons not  
voting, to  
be marked.

"In each election district in the city and county of New York it shall be the duty of the inspectors of election to immediately, after the close of the polls on the day of any election, before proceeding with the canvass of the ballots in

any box, and while the poll clerks are canvassing their books, to write in ink opposite to and against the name of each person entered in their registers, who is not shown by said registers to have voted, and in the column headed 'voted,' the word 'no,' so that the said column may be wholly filled up, and the said inspectors shall then compare the said registers, make them agree, and ascertain the number of persons who by them are shown to have voted at that poll that day; and when they have made comparisons and ascertained such fact, the chairman of the board of inspectors, or, in his absence, the inspector acting as such, shall announce the same in a loud voice." (1882, *chap.* 410, § 1882.)

**Preparation for canvass and general regulations.**

"As soon as the poll of an election shall have been finally closed, the inspectors of election, in their several election districts, shall immediately, and at the place of the poll, proceed to canvass the votes. Such canvass shall be public, and shall not be adjourned or postponed until it shall have been fully completed, and the several statements hereinafter required to be made by the inspectors shall have been made out and signed by them. The said several statements shall be signed in the polling place and shall not be removed therefrom until they have been signed by all the election officers whose duty it shall be to sign them. Any election officer who shall sign any such statement at any place other than the polling place or at any time other than immediately after the canvass is completed, and any election officer or person who shall take from the polling place any statement before it shall have been signed as herein provided, shall be adjudged guilty of a felony and shall be punished by imprisonment in a state prison for not less than two nor more than five years. No vote shall be received, nor shall any ballot be counted or canvassed, nor shall any statement of votes, announcement or proclamation, in this chapter required, be made at any time when the main entrance to the room in which the election is held shall be closed in such a manner as to prevent ingress and egress, but the said inspectors may station one or more officers at such entrance to exclude disorderly persons; nor shall any such

Canvass of votes.

Not to be adjourned.

Signing of statements.

Main entrance to room to be open.

At least six persons to be present.



duties be performed unless at least six persons, if so many claim that privilege, are allowed to be present, and so near that they can see whether the duties of the said inspectors are faithfully performed. Each candidate for any office to be filled at the election may, by a certificate in writing, signed by him, designate one person for each election district in which he is a candidate, to be present at the canvass of the ballots containing the names of the persons designated for that office. The inspectors of election and the police or other officers attending at such election district specified in said certificate, shall make a passage for such person to the said inspectors, and the said inspectors shall permit him to be present at the canvass of all the ballots in the box containing the ballots for the office specified in the said certificate, and so near to them that he can see that such canvass, and the statement required of the votes found in each box, are correctly made. And no inspector of election or board of inspectors, or police or other officer, shall allow such person to be molested or removed during the canvass of such ballots, or until such statement has been made, completed, and signed, unless he shall be personally guilty of fraudulent or disorderly conduct." (1882, *chap.* 410, § 1885. *Thus amended* 1895, *chap.* 991.)

Candidates may designate persons to be present.

Police to make passage for such persons.

Such persons not to be molested or removed.

### Counting the ballots.

Canvass of votes.

No adjournment.

Comparison of poll lists and counting of ballots.

Excess to be drawn, etc.

"As soon as the polls of an election are closed, if in the city of Brooklyn, the board of canvassers and if elsewhere, the inspectors of election thereat, shall publicly canvass and ascertain the votes and not adjourn or postpone the canvass until it shall be fully completed. They shall commence by comparing the two poll-lists with each other, correcting any mistakes therein and by counting the ballots found in the ballot boxes without unfolding them, except so far as to ascertain that each ballot is single, and by comparing the ballots found in each box with the number shown by the poll-lists to have been deposited therein. If the ballots found in any box shall be more than the number of ballots so shown to have been deposited therein, such ballots shall all be replaced without being unfolded in the box from which they were taken and shall be thoroughly mingled therein and one of the inspectors or canvassers

designated by the board shall, without seeing the same and with his back to the box publicly draw out as many ballots as shall be equal to such excess and without unfolding them forthwith destroy them. If two or more ballots shall be found in a ballot box so folded together as to present the appearance of a single ballot, they shall be destroyed if the whole number of ballots in such ballot box exceeds the whole number of ballots shown by the poll-lists to have been deposited therein, and not otherwise. If there lawfully be more than one ballot box for the reception of ballots voted at any one polling place, no ballot properly indorsed, found in the wrong ballot box shall be rejected but shall be counted in the same manner as if found in the proper ballot box, if such ballot shall not together with the ballots found in the proper ballot box make a total of more ballots than are shown by the poll-lists to have been deposited in the proper box. No ballot that has not the official indorsement shall be counted except such as are voted in accordance with the provisions of this chapter relating to unofficial ballots. If requested by any watcher the inspectors or canvassers shall, during the canvass, exhibit any and all ballots cast at such election or town meeting to such watcher fully opened, and in such a condition that he may fully and carefully read and examine the same, but such inspector or canvasser shall not allow any such ballot to be taken from his hand. When any inspector, ballot clerk, or watcher, shall demand an oral count of the vote upon candidates for a particular office, the chairman of the board shall take all the ballots into his possession, and call aloud the names of the candidates for such office as they appear upon the respective ballots, and shall hand the ballots, as fast as he calls the names from them to the other inspectors for verification. The poll clerks shall each keep tally of the number of votes called for each candidate, and announce the result as soon as the count is completed; and the figures shall thereupon be submitted to the inspectors, ballot clerks and watchers, for examination. The room in which such canvass is made shall be clearly lighted and such canvass shall be made in plain view of the public. When in a case not provided for

Ballots folded together.

Ballots in wrong box.

Ballots without official indorsement.

Exhibition of ballots to watchers.

Oral count may be demanded.

Canvass to be in plain view.

by sections one hundred and four and one hundred and five of this act an inspector of election or other election officer or duly authorized watcher shall, during a canvass of the votes, or immediately after the completion thereof, declare his belief that any particular ballot has been written upon or marked in any way for the purpose of identification, the inspectors or canvassers shall write on the back of such ballot the words "objected to because marked for identification," or words in substance to that effect, and sign their names thereto, and attach each such ballot to their written statement of the result of the canvass. Each such ballot shall be counted by them the same as if not so objected to. When two or more ballot boxes are provided for the reception of different kinds of ballots, as hereinbefore provided, the said ballot boxes shall be opened and ballots canvassed in the following order, namely: First, the box containing the general ballots; secondly, the box containing the ballots cast upon any constitutional amendment or other proposition or question." (1892, *chap.* 680, § 114. *Thus amended by chap.* 810, *Laws* 1895.)

#### Canvass and estimate of votes.

"The board shall then proceed to canvass and estimate the votes in the following manner: The said inspectors shall open the ballots, and place those which contain the same names together, so that the several kinds shall be in separate piles or on separate files. One of the said inspectors shall then take the kind of ballots which appears to be the greatest in number and count them by tens, carefully examining each name on each of said ballots. Such inspector shall then pass the ten ballots to the inspector sitting next to him, who shall count them in the same manner, and he shall then pass them to the third inspector, who shall also count them in the same manner. The third inspector shall then call the names of the persons named in the ballots and the offices for which they are designated, and the poll clerks shall tally the votes for each of such persons. The remaining inspectors shall watch the proceedings of the other inspectors and the poll clerks, and at their option may perform the same duties in respect to the canvass as are prescribed for the third inspector, or, in

case of the absence of the poll clerk, may perform his duties. When the counting of each kind of ballot shall be completed, the poll clerks shall compare their tallies together and ascertain the total number of ballots of that kind so canvassed, and when they agree upon the number, one of them shall announce it, in a loud voice, to the inspectors. The kind of ballots which appear to be next greatest in number, and afterwards each of the other kinds of ballots in succession shall then be canvassed in the same manner. The ballots containing names partly from one kind of ballots and partly from another, being those usually called split tickets, and those from which the name of a person proper to be voted for on such ballots has been omitted or erased, usually called scratched tickets, shall then be canvassed separately by one of the inspectors sitting between two of the other inspectors, which inspector shall call each name to the poll clerks, and the office for which it is designated, the other inspectors looking at the ballot at the same time, and the poll clerks making note of the same. When all the ballots found in the box have been canvassed in this manner, the poll clerks shall compare their tallies together and ascertain the total number of votes received by each candidate, and when they agree upon the numbers, one of them shall announce in a loud voice, to the inspectors, the number of votes received by each candidate, on each of the kinds of ballots containing his name, the number received by him on the split and scratch tickets, and the total number of votes received by him. If, after the ballots in any box have been opened or canvassed, the whole number of them shall be found to exceed the whole number of votes required by the corresponding columns of the poll-lists, the said inspectors shall return all the ballots into the box, and shall thoroughly mingle the same, and one of the inspectors to be designated by the board, shall, without seeing the same and with his back to the box, publicly draw out of such box so many of such ballots as shall be equal to the excess, which shall be forthwith destroyed; but if the ballots have been canvassed, the votes for the persons named therein shall first be deducted from the votes entered for such person on the tallies." (1882, *chap.* 410, § 1891.)

Canvass of  
split or  
scratched  
ballots.

Excess to  
be drawn  
out of box.

Deduction  
after  
canvass.

### Completing the canvass.

Result of  
canvass.

Sample of  
ballots  
voted to be  
attached to  
state-  
ments.

Defective  
ballots to  
be at-  
tached.

“The canvass of the ballots found in any box shall be completed by ascertaining how many ballots of the same kind corresponding in respect to the names of the persons thereon and the offices for which they are designated, have been received ; and the result being found the said inspectors shall securely paste or attach to each statement of such canvass hereinafter directed to be made one ballot of each kind found to have been given for the officers to be chosen at such election ; and they shall state in words at full length, immediately opposite such ballot, and written partly on such ballot and partly on the paper to which it shall be pasted or attached, the whole number of all the ballots that were received which correspond with the one so pasted or attached, so that one of each kind of the ballots received at such election for the officers then to be chosen shall be pasted or attached to such statement of such canvass. If only one ballot of any kind shall be found in the box, it shall be pasted or attached to the statement to be delivered to the clerk of the board of aldermen, and if only two ballots of any kind are found in the box, one shall be pasted or attached to the statement to be delivered to the clerk of the board of aldermen and the other to the statement to be delivered to the county clerk. They shall also paste or attach all the ballots rejected by them as being defective in whole or in part, to the statement to be delivered to the clerk of the board of aldermen.” (1882, *chap.* 410, § 1892.)

### Announcement of votes for an office.

Announce-  
ment of  
vote for an  
office.

“When the canvass of the ballots found in any box shall have been completed, and the poll-clerks shall have announced to the inspector the total number of votes received by each candidate, the chairman of the board of inspectors of election, or in his absence, the inspector acting as such, shall proclaim in a loud voice the total number of votes received by each of the persons voted for upon the ballots found in that box, and the office for which they are designated, and such proclamation shall be *prima facie* evidence of the result of the canvass of

such ballots. The inspector, who makes the proclamation shall immediately after the proclamation is made, upon demand of the party watchers present or either of them, make and deliver to them a written statement in which shall be correctly set forth the facts proclaimed by him." (1882, *chap.* 410, § 1893. *Thus amended by chap. 992, Laws 1895.*)

Delivery  
of state-  
ment to  
watchers.

### Delivery of statement to patrolman.

"The inspectors shall immediately after such proclamation deliver to a patrolman on duty at the polling places a statement, subscribed with their names, which shall be forthwith conveyed by the said patrolman to the station-house of the precinct where the polling place is located; and the captain or sergeant in charge shall immediately transmit, by telegraph or otherwise, the result of such statement to the superintendent of police. Such statement shall contain the total number of votes in such ballot-box, and the number of votes found therein for each and every candidate. The captain or sergeant in command shall immediately deliver said statement to the chief of the bureau of elections, whose duty it shall be to file and preserve the same. And whenever the result of such statement shall be different from the result as shown in the triplicate statements mentioned in section eighteen hundred and ninety-five of this act, the board of canvassers shall, at the time of the canvass by them, upon the application of any citizen, declare and certify the result as it is shown upon the statement referred to in this section. And it shall be the duty of the chief of the bureau of elections to have all such statements preserved by him, present before the board of canvassers during all the time the canvass is being made." (1882, *chap.* 410, § 1894. *Thus amended by chap. 909, Laws 1895.*)

Delivery of  
statement.

Board of  
canvassers  
to declare  
result upon  
such state-  
ment.

Preserva-  
tion of  
state-  
ment.

### Proclamation of result.

"Upon the completion of such canvass and of the certified statement of the result thereof, the chairman of the inspectors of election shall make public oral proclamation of the whole number of votes cast at such election at such polling-place for all candidates for each office; upon each proposed constitutional amendment or other question or proposition, if any,

Proclama-  
tion of  
result.

voted upon at such election ; the whole number of votes given for each person, with the name of office for which he was named on the ballot ; and the whole number of votes given respectively for and against each proposed constitutional amendment or other question or proposition, if any, so submitted." (1892, *chap.* 680, § 116.)

### Statements of canvass and tallies.

**Triplicate  
statements  
of canvass.**

"The said inspectors shall make triplicate statements of the result of the canvass and estimate of the votes, which shall state the result of the canvass exactly as it is stated in the statement delivered to the patrolman as provided in section eighteen hundred and ninety-four of this act. Each of the statements shall contain a caption, stating the day on which, and the number of the election district, and the assembly district, and the city and county in relation to which such statement shall be made, and the time of opening and closing the polls of such election district. It shall also contain a statement showing the whole number of votes given for each person, designating the office for which they were given, which statement shall be written, or partly written and partly printed, in words at length ; and at the end thereof a certificate that such statement is correct in all respects ; which certificate and each sheet of paper forming part of the statement shall be subscribed by the said inspectors and poll clerks. If any inspector or poll clerk shall decline to sign any return, he shall state his reasons therefor in writing, and a copy thereof signed by him shall be inclosed with each return. Each of the statements shall be inclosed in an envelope, which shall then be securely sealed with wax, and each of the inspectors and each of the poll clerks shall write his name across every fold at which the envelope, if unfastened, could be opened, and across the seals thereon. One of the envelopes shall be directed on the outside to the clerk of the board of aldermen, another to the county clerk, and the third to the chief of the bureau of elections. Each set of tallies shall also be inclosed, securely sealed, and signed in like manner, and one of the envelopes shall be directed on the outside to the chief of the bureau of elections,

**Statements  
to be in-  
closed,  
sealed, etc.**

**Tallies**

and the other to the mayor. On the outside of every envelope shall be indorsed whether it contains the statement or the tallies, and for what election and assembly district." (1882, *chap.* 410, § 1895. (*Thus amended by chap.* 993, *Laws* 1895.)

Indorse-  
ment of  
envelope.

### Delivery of statements and tallies.

"Within twenty-four hours after the several statements shall have been subscribed, one of the said inspectors shall deliver to the clerk of the board of aldermen the statement directed to him; another inspector shall deliver to the county clerk the statement directed to him; and a third inspector shall deliver to the chief of the bureau of elections the statement directed to him. One of the poll clerks shall deliver to the mayor the tallies directed to him, and the other poll clerk shall deliver to the chief of the bureau of elections the tallies directed to him." (1882, *chap.* 410, § 1896.)

Delivery of  
statements  
and tallies.

### Poll-lists to be certified and filed.

"The poll-lists kept at such election shall be certified, in writing, by both poll clerks, to be a true and correct list of the vote cast at the said election, in their respective election districts, and within twenty-four hours of the close of the canvass shall be filed \* \* \* the one in the office of the county clerk, the other in the office of the chief of the bureau of elections, and shall be there preserved." (1882, *chap.* 410, § 1897.)

Poll-lists to  
be certified  
and filed.

### Destruction of certain ballots.

"The remaining ballots not so pasted or attached to said statements, as hereinbefore provided, shall be destroyed, and the board of inspectors shall be dissolved." (1882, *chap.* 410, § 1898.)

Destruc-  
tion of  
ballots.

### Receipts for registers and returns.

"In case any officer to whom any of the papers in the preceding sections are directed to be delivered shall be absent from his office, the same may be delivered to the person authorized in such case to attend to his official duties, and the officer or person to whom any envelope containing any statement or tally, or to whom any register, or copy thereof, or

Receipt  
for regis-  
ters and  
returns.



poll-list shall be delivered as in this chapter provided, shall give a receipt therefor to the inspector or poll clerk from whom the same is received, and such receipt shall be filed by said inspector or poll clerk in the office of the comptroller before any payment for his services shall be made." (1882, *chap.* 410, § 1899.)

#### Care of sealed envelopes by clerk of board of aldermen.

Care of  
sealed  
envelopes.

"The envelopes delivered to the clerk of the board of aldermen shall be kept sealed, and shall not be opened until the same are produced before the board of county canvassers, when they shall be opened for the canvassing of the returns, and, when so opened, the presiding officer of the said board shall mark each separate sheet of the statements with the initials of his name." (1882, *chap.* 410, § 1900.)

#### Care of sealed envelopes by county clerk.

Id.

"The envelopes delivered to the county clerk shall be kept sealed and unopened until the same shall be required to be opened by the board of county canvassers, or other lawful authority, and, when so opened, the officer or person opening the same shall mark each separate sheet of the statement with the initials of his name." (1882, *chap.* 410, § 1901.)

#### Preservation of undistributed ballots.

Preserva-  
tion of un-  
distributed  
ballots.

"\* \* \* The packages of detached stubs and ballots not voted, prepared by the ballot clerks, shall be filed by inspectors of election in the city of New York, with the board of police commissioners. \* \* \* Such packages shall be preserved \* \* \* for one year from the time of the filing thereof, may be opened and examined upon the order of a court or judge, or by any board of canvassers of the returns of election district canvassers, and at the expiration of such year, may be destroyed." (1892, *chap.* 680, § 117.)

## \*COUNTY CANVASSERS.

### Board of county canvassers.

"The board of aldermen of the city of New York shall be the board of county canvassers; and it shall be their duty to finally canvass, declare and certify the results of every election hereafter held in the city and county of New York. Such canvass, declaration and certification shall be made and conducted under the existing provisions of law not inconsistent with this chapter, so far as the same are applicable." (1882, *chap.* 410, § 1902.)

Board of  
county  
canvassers.

## †PENALTIES.

### Registration — interference with or false.

"If at any general registration of voters, or at any meeting of inspectors of election held for such purpose or for a revision thereof as provided in this chapter, any person shall falsely personate an elector or other person, and register or attempt or offer to register in the name of such elector or other person; or if any person shall knowingly or fraudulently register, or offer, or attempt, or make application to register, in or under the name of any other person, or in or under any false, assumed, or fictitious name, or in or under any name not his own; or shall knowingly or fraudulently register in two election districts; or having registered in one district, shall fraudulently attempt or offer to register in another, or shall fraudulently register or attempt or offer to register in any election district not having a lawful right to register therein; or shall knowingly or willfully do any unlawful act to secure registration for himself or any other person; or shall knowingly, willfully or fraudulently, by false personation or otherwise, or by any unlawful means cause or procure, or attempt to cause or procure, the name of any qualified voter in any election district to be erased or stricken from any register of

Registra-  
tion, inter-  
ference  
with or  
false.

\* For general provisions of law applicable to county canvassers, see "County and State Board of Canvassers," *ante*.

† For additional penalties, see "Crimes and Misdemeanors," in index.

the votes of such district, made in pursuance of this chapter, or otherwise than is in this chapter provided; or by force, threat, menace, intimidation, bribery, reward, or offer or promise thereof, or other unlawful means, prevent, hinder, or delay any person having a lawful right to register or be registered, from duly exercising such right; or who shall knowingly, willfully, or fraudulently compel or induce, or attempt to offer to compel or induce, by such means, or any unlawful means, any inspector of election or other officer of registration, in any election district, to register or admit to registration any person not lawfully entitled to registration in such district, or to register any false, assumed or fictitious name, or any name of any person, except as provided in this chapter; or shall knowingly, or willfully, or fraudulently interfere with, hinder or delay any inspector of election or other officer of registration in the discharge of his duties, or counsel, advise or induce or attempt to induce any such inspector or other officer to refuse or neglect to comply with or to perform his duties, or to violate any law prescribing or regulating the same, or shall aid, counsel, procure, or advise, any voter, person, inspector of election, or other officer of registration, to do any act by law forbidden, or in this chapter constituted an offense, or to omit to do any act by law directed to be done, every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a state prison not less than one nor more than five years." (1882, *chap.* 410, § 1903.)

Felony.

#### Voting — interference with or false.

Voting, interference with or false.

"If, at any election hereafter held in the city and county of New York, any person shall falsely personate any elector or other person, and vote, or attempt or offer to vote in or upon the name of such elector or other person, or shall vote or attempt to vote in or upon the name of any other person, whether living or dead, or in or upon any false, assumed or fictitious name, or in or upon any name not his own; or shall knowingly, willfully or fraudulently vote more than once for any candidate for the same office, except as authorized by law,

or shall vote or attempt or offer to vote in any election district without having a lawful right to vote therein, or vote more than once, or vote in more than one election district, or having once voted, shall vote or attempt, or offer to vote again; or shall knowingly, willfully, or fraudulently do any unlawful act to secure a right, or any opportunity to vote for himself or for any other person, or shall by force, threat, menace, intimidation, bribery, or reward, or offer or promise thereof, or otherwise, unlawfully, either directly or indirectly, influence or attempt to influence, any elector in giving his vote, or prevent or hinder, or attempt to prevent or hinder, any qualified voter from freely exercising the rights of suffrage, or by any such means induce, or attempt to induce, any such voter to refuse to exercise any such right; or shall by any such means, or otherwise, compel or induce, or attempt to compel or induce, any inspector of election or other officer of election, in any election district, to receive the vote of any person not legally qualified or entitled to vote at the said election in such district; or shall knowingly, willfully, or fraudulently interfere with, delay, or hinder in any manner any inspector of election, poll clerk, or other officer of election in the discharge of his duties; or by any of such means or other unlawful means, knowingly, willfully, or fraudulently counsel, advise, induce, or attempt to induce any inspector of election, poll clerk or other officer of election, whose duty it is to ascertain, proclaim, announce, or declare the result of any such election, or to give or make any certificate, document, report, return or other evidence in relation thereto, to refuse or neglect to comply with his duty, or to violate any law regulating the same, or to receive the vote of any person in any election district not entitled to vote therein, or to refuse to receive the vote of any person entitled to vote therein, or shall aid, counsel, or advise, procure, or assist any voter, person or inspector of election, or other officer of election, to do any act by law forbidden, or in this chapter constituted an offense, or to omit to do any act by law directed to be done, every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished for each and every such offense, by imprisonment.

onment in a state prison for not less than one nor more than five years." (1882, *chap.* 410, § 1904.)

### False poll-list or statement.

False poll-list or statement.

"If any poll clerk, or any inspector of election, performing the duties of poll clerk, shall willfully keep a false poll-list, or shall knowingly insert in his poll-list, any false statement, or any name or statement, or any check, letter, or mark, except as in this chapter provided, he shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a state prison for not less than one nor more than five years." (1882, *chap.* 410, § 1905.)

Felony.

### Fraudulently excluding or receiving a vote.

Fraudulently excluding or receiving vote.

"Every inspector of election who shall willfully exclude any vote duly tendered, knowing that the person offering the same is lawfully entitled to vote at such election, or shall willfully receive a vote from any person who has been duly challenged in relation to his right to vote at such election, without exacting from such person such oath or other proof of qualification as may be required by law, or who shall willfully omit to challenge any person offering to vote, whom he knows or suspects not to be entitled to vote, and who has not been challenged by any other person, shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a state prison for not more than two years." (1882, *chap.* 410, § 1906.)

Felony.

### False canvass or certificate.

False canvass or certificate.

"Every inspector of election, member of any board of canvassers, messenger, poll clerk, or other officer authorized to take part in or perform any duty in relation to any canvass or official statement of the votes cast at any election, who shall willfully make any false canvass of such votes or who shall make, sign, publish or deliver any false return of such election, or any false certificate or statement of the result of such election, knowing the same to be false, or who shall willfully deface, destroy or conceal any statement or certificate intrusted

to his care or custody, shall, on conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a state prison not less than two nor more than five years." (1882, *chap.* 410, § 1907.)

### Tampering with contents of ballot-box.

"If any person other than an inspector of election shall at any such election knowingly and willfully put, or cause to be put, any ballot or ballots, or other paper having the semblance thereof, into any box used at such election for the reception of votes; or if any such inspector shall knowingly and willfully cause or permit any ballots to be in said box at the opening of the polls and before voting shall have commenced, or shall knowingly and willfully, or fraudulently put any ballot or other paper having the semblance thereof into any such box at any such election, unless the same shall be offered by an elector, and his name shall have been found and checked upon the register, as hereinbefore provided; or if any such inspector, or other officer or person, shall fraudulently, during the canvass of ballots, in any manner change, substitute, or alter any ballots taken from the box then being canvassed, or from any box which has not been canvassed, or shall remove any ballot or semblance therefrom, or add any ballot, or semblance thereof, to, the ballots taken from the box then being canvassed, or from any box which has not been canvassed, every such person shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished by imprisonment in a state prison for not less than one nor more than five years." (1882, *chap.* 410, § 1908.)

### Willful neglect of duty.

"If any inspector of election, poll clerk, or other officer of registration, revision, election, or canvass, of whom any duty is required in this chapter, or by the general election laws of this state (so far as the same are consistent with the provisions of this chapter), shall be guilty of any willful neglect of such duty, or of any corrupt or fraudulent conduct or practice in the execution of the same, he shall, on conviction thereof, be

**Felony.** adjudged guilty of a felony, and shall be punished by imprisonment in a state prison for not less than one nor more than five years." (1882, *chap.* 410, § 1909.)

### Destroying records by custodian.

**Destroying records.** "Every inspector of election, poll clerk, or other officer or person having the custody of any record, register of votes or copy thereof, oath, return of votes, certificates, poll-list, or any paper, document, or evidence of any description in this chapter, directed to be made, filed or preserved, who is guilty of stealing, willfully destroying, mutilating, defacing, falsifying, or fraudulently removing or secreting the whole or any part thereof, or who shall fraudulently make any entry, erasure or alteration therein, except as allowed and directed by the provisions of this chapter, or who permits any other person so to do, shall, upon conviction thereof, be adjudged guilty of a felony, and shall be punished for each and every such offense by imprisonment in a state prison, not exceeding five years, and shall, in addition thereto, forfeit his office." (1882, *chap.* 410, § 1910.)

### Destroying records by others than custodians.

**Destroying records** "Every person not an officer, such as is mentioned in the last preceding section, or who is guilty of any of the acts specified in said section, or who advises, procures, or abets the commission of the same, or any of them, shall, upon conviction thereof, be adjudged guilty of a felony, and for each and every such offense shall be punished by imprisonment in a state prison, not exceeding five years." (1882, *chap.* 410, § 1911.)

### Perjury.

**Perjury** "Any person who shall be convicted of willful and corrupt false swearing or affirming in taking any oath or affirmation prescribed by or upon any examination provided for in this chapter, or upon being challenged as unqualified upon offering to register or vote, shall be adjudged guilty of willful and corrupt perjury." (1882, *chap.* 410, § 1912.)

### Subornation of perjury.

"Any person who shall willfully and corruptly instigate, advise, induce, or procure any person to swear or affirm falsely, as aforesaid, or attempt or offer so to do, shall be adjudged guilty of subornation of perjury, and shall, upon conviction thereof, suffer the punishment directed by law in cases of willful and corrupt perjury." (1882, *chap.* 410, § 1913.)

### Fraudulent use of the ballot.

"If any person shall fraudulently change or alter the ballot of any elector, or substitute one ballot for another, or fraudulently furnish any elector with a ballot containing more than the proper number of names, or shall intentionally practice any fraud upon any elector to induce him to deposit a ballot as his vote and to have the same thrown out and not counted, or to have the same counted for a person or candidate other than the person or candidate for whom such elector intended to vote, or otherwise defraud him of his vote, every such person shall, on conviction thereof, be adjudged guilty of a felony, and shall, if an inspector of election, poll clerk, or other officer of election, be punished with imprisonment in a state prison not less than two nor more than five years; and if not such an inspector, poll clerk or other officer of election, shall be punished by imprisonment in a state prison for not less than one nor more than five years." (1882, *chap.* 410, § 1914.)

### Convict offering to vote.

"If any person who shall have been convicted of bribery, felony, or other infamous crime under the laws of this state, shall thereafter vote or offer to vote at any election in the city and county of New York, without having been pardoned and restored to all the rights of a citizen, he shall, upon conviction thereof, be adjudged guilty of a felony, and for each and every such offense, shall be punished by imprisonment in a state prison for not less than one nor more than three years." (1882, *chap.* 410, § 1915.)



**Contempt of inspector's authority.**

Contempt.  
of inspect-  
or's au-  
thority.

"If any person shall willfully disobey any lawful command of an inspector of election, or of any board of inspectors of election given in the execution of his or their duty as such, at any election, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in a penitentiary for not less than thirty days nor more than one year, or by a fine of not less than two hundred and fifty nor more than one thousand dollars, or by both such fine and imprisonment." (1882, *chap.* 410, § 1916.)

Misde-  
meanor.

**Disorderly conduct at polling place.**

Disorderly  
conduct  
at polls.

"If at any general registration of voters, or revision thereof, or on any day of election, or during the canvass of the votes cast thereat, any person shall cause any breach of the peace, or use any disorderly violence, or threats of violence, whereby any such registration, revision, election, or canvass shall be impeded or hindered, or whereby the lawful proceedings of any inspector of election, or board of inspectors of election, or poll clerk, or other officer of such election, or challenger, or person designated to be present at the canvass of any ballots, as hereinbefore provided, are interfered with, every such person shall, upon conviction thereof, be adjudged guilty of a felony, and upon conviction thereof, shall be punished by imprisonment in a state prison for not less than one nor more than five years." (1882, *chap.* 410, § 1917.)

Felony.

**Interference with election officers.**

Interfer-  
ence with  
election  
officers

"If any person shall knowingly or willfully obstruct, hinder, assault, or by bribery, solicitation, or otherwise, interfere with any inspector of election, poll clerk, challenger, or person designated as provided in this chapter to be present at the canvass of any ballots in the performance of any duty required of him, or which he may by law be authorized or permitted to perform; or if any person, by any of the means before mentioned, or otherwise unlawfully, shall, on the day of registration, revision of registration, or of election, hinder or pre-

vent any inspector of election, poll clerk, challenger, or any person designated, as provided in this chapter, to be present at the canvass of ballots, in his free attendance and presence at the place of registration, or of election in the election district in and for which he is appointed or designated to serve, or in his full and free access and egress to and from any such place of registration, revision of registration, or of election; or to and from any room where any such registration, revision of registration, or election or canvass of votes, or of making any returns or certificates thereof, may be had, or shall molest, interfere with, remove, or eject from any such place of registration, or poll of election, or of canvassing ballots cast thereat, or of making returns or certificates thereof, any such inspector of election, poll clerk, challenger, or person designated, as provided in this chapter to watch the canvass of any ballots, save as otherwise provided in this chapter, or shall unlawfully threaten, or attempt, or offer so to do, every such person shall be guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in a penitentiary for not less than six months nor more than one year, or shall be fined not less than five hundred nor more than two thousand dollars, or both." (1882, *chap.* 410, § 1918.)

Misdemeanor.

### Special neglect of duty.

"Any inspector of election who shall willfully neglect, or when called on, shall willfully decline to exercise the powers conferred on him in this chapter, for any of the purposes set forth in section eighteen hundred and fifty-six of this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in a penitentiary for not less than thirty days nor more than one year, or by a fine of not less than two hundred and fifty nor more than one thousand dollars, or by both such fine and imprisonment." (1882, *chap.* 410, § 1919.)

Special neglect of duty.

Misdemeanor.

### Improper treatment of ballots or boxes.

"If any person shall, upon the day of any such election, or before the canvass of votes is completed, steal, or willfully break or destroy any ballot-box used, or intended to be used,

Improper treatment of ballots or boxes.

**Felony.** at such election, or shall willfully or fraudulently conceal, secrete, or remove any such box from the custody of the inspectors of election, or shall alter, deface, injure, destroy or conceal any ballot which has been deposited in any ballot-box at such election, which has not been already counted and canvassed, or any poll-list used, or intended to be used at such election, or any report, return, certificate, or other evidence in this chapter required, or provided for, shall, on conviction thereof, be adjudged guilty of a felony, and shall for each and every offense, be punished by imprisonment in a state prison for not less than two nor more than five years." (1882, *chap.* 410, § 1920.)

**Acting without the majority.**

**Acting  
without  
majority.**

"If in any election district at any general registration of voters or revision thereof, or at any election hereafter held in the city and county of New York, any inspector of election or poll clerk shall knowingly or willfully admit any person to registration, or make any entry upon any register of voters or poll-book, or receive any vote, or proceed with the canvass of ballots, or shall consent thereto, unless a majority of all of the inspectors of election in said election district are present and concur, he shall, upon conviction thereof, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than thirty nor more than sixty days, or fined not less than one hundred nor more than one thousand dollars, or by both such fine and imprisonment. If any inspector of election in any election district shall, without urgent necessity, absent himself from the place of registration or the polls in said district, upon any day of registration or election, whereby less than a majority of all the inspectors in such election district shall be present during the hours of registration, election or canvass of ballots, he shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be punished by imprisonment in the county jail not less than sixty days nor more than six months, or shall be fined not less than five hundred nor more than one thousand dollars, or both." (1882, *chap.* 410, § 1921.)

**Misde-  
meanor.**

### Illegal practices.

"It shall be unlawful for any inspector of election, poll clerk, challenger, or person designated as provided in this chapter to be present at the canvass of any ballots in any district, during the election or canvass of ballots, to have or keep any ballots behind the boxes or within the polling place, or for them or any person or persons within the polling place to electioneer, distribute tickets or ballots, or engage in any political discussion. Any violation of this section shall be a misdemeanor, and shall be punished by imprisonment in the county jail for not less than ten nor more than ninety days, or by a fine of not less than one hundred nor more than one thousand dollars, or both." (1882, *chap.* 410, § 1923.)

Illegal practices.

Misdemeanor.

### Introduction of liquor into polling place.

"Whoever, during the sitting of any board of inspectors of election in any election district in the city and county of New York, whether held for the purposes of registration, revision of registration, reception or canvass of votes, or of making return thereof, shall bring, take, order or send into, or shall cause to be taken, brought, ordered, or sent into, or shall attempt to bring, take, or send into any place of registration, or revision of registration, or of election, any distilled or spirituous liquors whatever, or shall at any such time and place drink or partake of any such liquor, shall be deemed and held to be guilty of a misdemeanor." (1882, *chap.* 410, § 1924.)

Introduction of liquor into polling place.

Misdemeanor.

### Irregularities constitute no defense.

"Irregularities or defects in the mode of noticing, convening, holding, or conducting an election authorized by law, shall constitute no defense to a prosecution for a violation of the provisions of this chapter." (1882, *chap.* 410, § 1925.)

Irregularities no defense.

### All elections governed by this chapter.

"Every act which, by the provisions of this chapter or the general election laws, is made criminal when committed with reference to the election of a candidate, is equally criminal

All elections governed by this chapter.

when committed with reference to the determination of a question submitted to electors to be decided by votes cast at an election." (1882, *chap.* 410, § 1926.)

**Evidence to prove lawful intent.**

Evidence  
to prove  
lawful  
intent.

"Upon any prosecution for procuring, offering, or casting an illegal vote, the accused may give in evidence any fact tending to show that he honestly believed, upon good reason, that the vote complained of was a lawful one, and the jury may take such facts into consideration in determining whether the acts complained of were willfully done or not." (1882, *chap.* 410, § 1927.)

# Additional Laws Regulating the Conduct of Elections in the City of Brooklyn.

Chap. 236, Laws 1891, as amended.

## Board of elections.

§ 1. The board of elections of the city of Brooklyn shall consist of four members, who shall be appointed by the mayor of said city, and shall be known as commissioners of election. The term of office of each of the members of such board, appointed in the year eighteen hundred and ninety or afterward, to fill a vacancy in the board as then appointed, shall continue until the first day of May in the year eighteen hundred and ninety-five as now provided. On or within thirty days after the first day of May in the year eighteen hundred and ninety-five, and on, or within thirty days after the first day of May in every fifth year thereafter, the mayor shall appoint four commissioners of election, who shall constitute such board of elections, each of whom shall be a resident and voter of the city of Brooklyn, and not more than two of whom shall be of the same political party. The term of office of each commissioner of elections hereafter appointed, except when appointed to fill a vacancy, shall be five years from the first day of May of the year of such appointment, but any commissioner may continue to serve as such after the expiration of his term until his successor shall be appointed and shall have qualified. In case of the removal, resignation, or death of any commissioner of elections, within thirty days thereafter, his successor shall be appointed by the mayor for the remainder of the term, the person so appointed to be of like political faith and opinion with the commissioner whose vacancy is to be filled. No person holding any public office of any kind, under either the United States, state, county, or municipal government, excepting the office of notary public or commissioner of deeds, nor any employee of any department in said city shall be eligible as a commissioner of elections, and all votes cast at any general or special election for any person who shall have served as commissioner of elections

Board of elections.

Term of incumbent.

Appointments in 1895.

Qualifications.

Term of office.

Vacancies.

Ineligibility to appointment.

Oath of  
office.

during any portion of the three months immediately preceding such election for any office, shall be absolutely void. Every person who shall be appointed a commissioner of elections in pursuance of the provisions of this title, shall before entering upon the discharge of his duties take the oath of office prescribed by law, before the city clerk of the city of Brooklyn.

#### Officers and clerks of board.

President  
of board.

§ 2. The said board of elections shall have the power to elect by a majority vote, or in case they can not so elect to select by lot one of its members president of the board. The

Clerks.

two commissioners of like political faith and opinion, shall have power to appoint a clerk, and to remove him from office ; and the remaining two commissioners shall have the power to appoint

Assistants.

another clerk, and to remove him from office ; and the said board shall have the power to appoint such other assistants, and to secure such room or rooms as may be necessary for the transaction of their business.

#### Election districts.

Division of  
city into  
districts.

§ 3. On or before the first day of September in any year which they may deem it necessary so to do, the said board of elections of the city of Brooklyn shall divide said city into convenient election districts for the holding of all general and special elections, and all elections of the officers of the said city who are elected by the people. Each election district of said city shall contain not more than three hundred voters, and each district shall be entire within one ward. In case the voters of any such district shall increase beyond three hundred, then the said board of elections shall have power to redistrict any ward where such increase occurs. No election district in the city of Brooklyn shall be altered, nor any new district created, after the first day of September in any year.

Redistrict-  
ing of  
wards.

Proviso as  
to altera-  
tions.

#### Maps and description of districts.

Maps and  
description  
of districts.

§ 4. As soon as the wards in said city shall be divided into districts, the said board of elections shall immediately publish the same by making a map or description of each division, defining it by known boundaries, and keep such map or description open for public inspection in the office of the clerk

of such city, and also by posting up copies of such map on or before the fifteenth day of September, in each year, in at least ten of the most public places in each election district; and the said board of elections shall also, prior to every election, furnish copies of such map and description to the registrars and inspectors of election in each district.

To be  
furnished  
election  
officers.

**Boundaries of districts and polling places.**

§ 5. The board of elections of the city of Brooklyn, shall, on the third Monday of September in each and every year, designate and afterward publish, in the corporation newspapers published in said city, on the days of such registration and the day of election, and on two days prior to each of such days including Sunday, the boundaries of each election district and the places for holding the polls in said city, and for the meeting of the said boards of registrars and inspectors. But no building or part of a building shall be designated as such place of registry or polling place, in any part of which wine, beer, or intoxicating liquor is sold.

Designa-  
of bound-  
aries and  
polling  
places.

Proviso as  
to designa-  
tion.

**Registrars and inspectors, general duties of.**

§ 7. The said registrars of electors shall make the registry hereinafter provided for, in the city of Brooklyn, and the said registrars and inspectors shall hold the elections hereinafter mentioned and preside at the same, and have and possess all the powers, and be subject to all the duties and liabilities of inspectors of election. The registrars of each election district shall meet at the place designated for holding the poll therein at the next general election, on Tuesday four weeks, Wednesday of the third week, and Friday and Saturday of the second week preceding the day of the November election of each year, for the purpose of registering the names of the legal voters of such election district, and for this purpose they shall organize themselves as a board of registry in each election district, and appoint, or in case they can not agree, select by lot, one of their number as chairman of the board. The said board shall be and remain in attendance on each of the days above named, at said designated place, from seven to ten o'clock in the forenoon, and from three to ten o'clock in the afternoon, for the purpose of making a list of all persons who

General  
duties.

Meetings  
for  
registry.

Organiza-  
tion.

Hours for  
registra-  
tion.



Personal  
appear-  
ance.

Registry  
list.

Oath, when  
to be ad-  
ministered  
to appli-  
cant.

Production  
of naturali-  
zation  
papers.

Mistakes in  
registering.

are, or will be on the day of the next election, qualified and entitled to vote at such election in said election district, under and in accordance with the provisions of the constitution and laws of this state, and who have personally appeared and asked to be registered. The name of no person shall, at any time, be entered upon said registry unless the elector shall personally appear before said registrars. Such list, when completed, shall constitute and be known as the registry of electors of said district. Each member of said board shall make a list of qualified voters in the district, and enter therein, under the heading of the street or avenue in which each voter resides, his name, age, residence, and the duration of his residence in the state, in the county, and in the election district, his approximate height and weight, the color of his hair, the visible marks on the face, peculiarities of voice or distinguishing deformities of any kind; and no person shall be registered unless he be at the time or will be on the day of the next election a resident and qualified voter within the election district; and it shall be the duty of the registrars receiving his name, if such person be challenged, or in case such registrars shall have cause to suspect such person is not a resident of such district, or is, from any cause, disqualified from voting therein, to administer to him the same oath which the law prescribes shall be administered to a challenged person attempting to vote at a regular election; and such registrars shall make a memorandum on the registry opposite the name of every person who has been thus sworn. The fact that such person has been thus sworn shall not prevent his being sworn again if challenged for any cause when he attempts to vote at the next election. It shall be the duty of every naturalized citizen, before being registered, to produce to the registrars, if any registrar shall require, his naturalization papers, for their inspection, and to make oath before them that he is the person purporting to have been naturalized by the papers so produced, unless such citizen was naturalized previous to eighteen hundred and sixty-seven, and any person knowingly taking a false oath before such registrars shall be punished as for willful and corrupt perjury. If, at any time, on or prior to the Thursday preceding the

day of election, the board of registrars in any election district shall be satisfied that any person otherwise eligible as a voter in the said city has, by mistake, been registered in the election district in which said board shall have been and shall be serving, and shall be entitled to be registered in another district in the same ward, they shall strike his name from their said registry, and thereupon give to such voter a certificate, signed by said board, that his name has been stricken from their said registry on account of such removal, and shall strike his name off from the registry on which it has been entered; and on presentation of such certificate to the registrars of the district to which he shall have so removed, at their final meeting on the Thursday preceding the day of election, his name shall be entered on the registry in such district, with a memorandum of such removal. (*Thus amended by chap. 1034, Laws 1895.*)

how corrected.

Certificate to voter.

Change of registration after removal from district.

#### Changes in residence of voter.

§ 8. If any voter, after being registered, shall change his place of residence within the same election district, he may appear before the board of registrars of that district at their final meeting on the Thursday preceding the day of election, or before the board of inspectors on the day of election; and state to such board on oath that he has so changed his residence; and such board shall thereupon transfer such voter's name upon their registry to its proper place under his new residence.

Changes in residence in same district, how made.

#### Registry lists; polling places and supplies.

§ 9. On Monday next after the last of the four days hereinbefore provided for the registration of voters, the said registrars of each election district shall make and complete four additional lists of said registry, and enter therein the names of the persons registered, under the heading of the streets or avenues in which they reside, their age, place of residence, in numerical order, length of time of residence in the state, in the county and in the election district, in a column headed "general description," a statement of his approximate height and weight, the color of his hair, and such other distinguishing features as may be apparent, and in a column headed "remarks," if to be challenged as follows:

Registry lists.



The said lists, when so completed, shall be signed and certified by each registrar. Two of the said lists shall be carefully preserved by the board of registrars for use on the day of election, and the other two lists shall be delivered on the following day to the board of elections, and it shall be the duty of the said board of elections to print and distribute for each ward, respectively, fifty times as many copies of said lists as there are districts in the ward, in pamphlet form, so that each ward pamphlet shall contain the list of the several election districts in each ward. It shall also be the duty of the said board of elections to select and hire all polling places and place them in proper order and condition; to furnish to the various election officers provided for in this title, such registries, maps, books, blanks, instructions and stationery as may be necessary for the proper discharge of their duties. *(Thus amended by chap. 1034, Laws 1895.)*

Certification.

Custody of lists.

Printing and distribution

Selection of polling places.

Supplies.

### Revision of registries.

§ 10. On the Thursday preceding the day of election it shall be the duty of the registrars of each election district to hold a meeting from eight o'clock in the forenoon to eleven o'clock in the afternoon, at the polling place of such district, for revising and correcting the registries of electors, to receive testimony and arrange for challenge at the polls, but no name shall be added to or erased from any registry at such meeting except on certificate from the board of elections, or another board of registrars, as is herein provided. They shall prepare four lists of the names added to the registry of the district upon such certificates, which names shall be entered in such lists under headings as hereinbefore provided for the registries. Such lists shall be known as supplemental registries, two of them shall be retained by the registrars for use on the day of election, and the other two shall be delivered to the board of elections at or before noon of the Friday before the day of election. Such supplemental registry in each district shall be considered and shall be a part of the registry thereof.

Meeting for revision.

Supplemental registry lists.

**Board of inspectors of election.****Board of inspectors.****Chairman.****Right of challenge.****Unregistered persons not to vote.****Powers and duties.****Hourly entries.****Compensation of election officers.****Power to preserve order.**

§ 11. It shall be the duty of said registrars and said inspectors to act as inspectors of elections in the districts wherein they are appointed at the next general election after such appointment. They shall together form a board of inspectors of election by appointing, or in case they can not agree, selecting by lot one of their members to be chairman, and shall also designate two of their number at the opening of the polls, who shall check the name of every voter voting in such district, whose name is on the registry, and no vote shall be received at any general election unless the name of the person offering to vote be on the said registry, and any person whose name is on the registry may be challenged, and the same oath shall be put as are now prescribed by law, and no person shall be permitted to vote at any election in the city of Brooklyn unless his name shall have been duly registered in accordance with the provisions of this title. It shall be their duty to be in constant attendance during the hours allotted for the discharge of their duties. They shall perform all the duties and possess all the powers of inspectors of election in the several towns of this state, as now prescribed by law. The inspectors shall cause the lapse of every hour to be entered upon the margin of the poll-lists, beginning at the opening of the polls and continuing from hour to hour; by noting the hour opposite the name of the respective voter, and causing their chairman to sign his name under each entry, and shall also enter the time of the closing of the polls opposite to the name of the last voter. The compensation of the registrars, as registrars, shall be five dollars for each day for six days only, and the compensation of each inspector shall be five dollars, and that of the poll clerks shall be five dollars for the election and five dollars for the canvass, and that of each of the ballot clerks shall be five dollars, and each canvasser shall receive five dollars for the canvass, and shall be exempt from jury duty for one year thereafter. The registrars and the inspectors of election and canvassers in each election district, while discharging any of the duties imposed upon them by this title,

shall have full power and authority, and they are hereby required to preserve order and enforce obedience to their lawful commands at and around the place of registration or election during the day of any registration, revision of registration, election or canvass, estimate or return of votes, to keep the access to such place open and unobstructed, to prevent and suppress riots, tumult, violence, disorder and all improper practices tending to the intimidation or obstruction of voters, the disturbance or interruption of the work of registration, revision of registration or voting, or the canvass estimate or returns of votes, and to protect the voters, challengers and persons designated to watch the canvass of any ballots from intimidation or violence and the registries, poll-books, boxes and ballots from violence and fraud, and to appoint or deputize, if necessary, one or more electors to communicate their orders and directons\* and to insist in the enforcement thereof. (*Thus amended by chap. 234 of 1893.*)

To suppress riots, intimidation, etc.

To prevent fraud in canvass, etc.

#### Poll clerks.

§ 12. The clerks of each poll shall enter upon the poll-list kept by them, in columns prepared for that purpose, first, the residence, number and street of the person voting; second, the name of each person voting; third, his age; fourth, the number on the stub of the ballot received by him and voted; and shall perform such duties as are imposed by law on poll clerks in the city of Brooklyn. Duties.

#### Ballot clerks.

§ 13. The ballot clerks of each polling place shall receive from the inspectors of such polling place all the official ballots, furnished therefor at the opening of the polls thereof and shall deliver one of each of the ballots to each voter, when so directed by the inspectors, each of which ballots shall have on the stub thereof, the same number, and they shall each write their initials on the stub of each ballot and shall render and deliver to the board of elections the statement required by chapter two hundred and sixty-two of the laws of eighteen hundred and ninety. Duties.

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\* So in the original.

**Delivery of ballot boxes, etc., to canvassers.**

Delivery of  
sealed  
boxes, etc.

§ 14. Upon the closing of the polls and immediately thereafter the board of inspectors shall securely seal the ballot box and the box containing the unvoted ballots, and each of them, and deliver the same together with the poll-lists and registries of electors to the board of canvassers.

**Board of canvassers.**

Canvass-  
ers, organi-  
zation of.

Duties.

Canvass  
of votes.

Ballots to  
be replaced  
in box.

Box to be  
sealed and  
deposited.

Excess of  
ballots to  
be drawn.

§ 15. At least fifteen minutes before the closing of the poll the board of canvassers shall meet and organize by electing one of their members chairman; they shall then receive the key of the ballot box and the key of the box containing the unvoted ballots from the police; and it shall be their duty in each election district to attend at the place of holding the poll at the closing thereof; they shall receive from the board of inspectors of election the said ballot box and box containing the unvoted ballots, poll-lists and registries of electors, and as soon as the poll of any election shall have been finally closed shall canvass and count the votes. Such canvass shall be public, and shall not be adjourned or postponed until it shall have been fully completed; and such canvass shall be commenced, conducted and completed, and the result stated in the manner now provided by law. The ballots, immediately after the same shall be canvassed and counted, shall be placed again by the canvassers in the ballot box from which they were taken, except such as are attached to the returns of the election; and the canvassers shall place in the ballot box with the ballots a certificate stating the number of votes cast and the number of votes by them attached to the returns of said election; and said ballot box, after the tickets shall be so replaced, shall be securely sealed up by the canvassers, and shall then be deposited by them in the department of police, and shall there be kept undisturbed and inviolate until needed at the next election, unless required as evidence in any court of record. If a greater number of ballots shall be found in the box than is required by the corresponding columns of the poll-list, all the ballots shall be replaced in the box, and one of the

said canvassers, to be designated by the board, shall, without seeing the same, and with his back to the box, publicly draw out and destroy as many ballots unopened as shall be equal to such excess ; but if two or more ballots are so folded together as to present the appearance of a single ballot they shall be destroyed if the whole number of ballots exceed the whole number of votes deposited in the box in which such tickets are found, as shown by the poll lists kept by the poll clerks.

Folded together to be destroyed.

### Announcement of result.

§ 16. The canvassers, when they shall have canvassed all the ballots for the first candidate on the ticket, shall immediately announce the result, and send a written statement thereof, subscribed with their names, to the officer in charge of the police precinct in which the election district is located ; and that officer shall immediately transmit the result of such statement to the head of the police department, and so on as the canvass of each successive candidate is completed. Such statement shall contain the total number of votes in such ballot box, and the number of votes found therein for each and every candidate. The officer receiving such statement shall file it in his office, and it shall be regarded as presumptive evidence for the space of one year, of the facts therein stated, in any court of this state, in any action or proceedings.

Announcement.

Statement of result.

Filing.

### Triplicate returns.

§ 17. Upon the completion of the canvass, the canvassers shall make returns in triplicate, and shall within twenty-four hours deposit them as follows, under a penalty of fifty dollars, to be recovered as provided in the nineteenth section of this title : One copy shall be deposited with the board of elections, and one with the county clerk. The remaining copy shall be deposited with the police department, by whom it shall be at once opened and its contents publicly announced on a bulletin board. It shall, also, under proper regulations for its safe keeping, be open for the inspection of any candidate. Poll clerks in the several election districts of the city of Brooklyn shall file with the city clerk, county clerk and police board, within twenty-four hours after the completion of the

Triplicate returns.

Announcement by police department.

Original tallies and poll-lists to be filed.



Returns,  
how signed.

canvass, a copy of their original tallies from which the canvass is made up of the votes cast and counted at the election, signed with their respective names and addresses and indorsed with the number of the election district and ward. The poll lists shall within the same time be filed, one with the board of elections and one with the county clerk. Canvassers shall sign each page of each return, and shall seal the returns before filing them. The canvassers shall immediately after the completion of the canvass, burn without examination the ballots contained in the box of unvoted ballots.

#### **Penalty for failure to file oath ; neglect of duty, etc.**

Penalty for  
failure to  
file oath or  
neglect of  
duty.

Failure to  
deliver  
over lists,  
etc.

§ 19. Every person appointed as registrar, poll clerk, ballot clerk, canvasser or inspector of election, failing to take and file the oath of office as hereinbefore provided, or who shall willfully neglect or refuse to discharge the duties of such registrar or canvasser, inspector, poll clerk or ballot clerk, shall, unless excused by the board of elections, be liable to a penalty of one hundred dollars, to be sued for and recovered by said board in any court of record, in the name of the city of Brooklyn, for the use and benefit of the city treasury ; and any registrar, inspector, canvasser, poll clerk or ballot clerk who, being removed for any cause, shall fail upon demand to deliver over to his successor the registry list, or any tally sheet, book, paper, memorandum or document relating to the election, so far as he has made it, shall be liable to a like penalty of one hundred dollars, to be recovered in the same manner.

#### **Penalty for willful absence from duty, etc.**

Willful ab-  
sence from  
duty.

Acting  
without  
qualifica-  
tions.

§ 20. Any registrar, inspector or canvasser of elections, poll clerk or ballot clerk, who shall willfully absent himself from his duties shall be guilty of a misdemeanor, and on conviction thereof shall be punished by imprisonment in the county jail for not less than thirty days and not to exceed sixty days ; and any person knowingly acting as registrar, inspector, poll clerk, ballot clerk or canvasser of elections without the qualifications herein prescribed, shall on conviction thereof be deemed guilty of a misdemeanor and shall be punished in a like manner.

**False statements.**

§ 21. Any person who shall knowingly make any false statement to any board of registrars or inspectors shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by imprisonment in the county jail for not less than thirty days and not to exceed three months.

False statements to inspectors.

**Illegal registry, how punished.**

§ 22. Any registrar who shall register the name of any person knowing him not to be entitled to be so registered, or any person who shall cause his name to be registered in more than one election district, except only to correct a mistake, as herein provided, or who shall cause his name to be registered, knowing that he is not a qualified voter in the district where such registry is made, or who shall falsely personate any registered voter or register or attempt to register, or vote or offer to vote under a false name shall upon conviction, be imprisoned in the state prison for not less than one year nor more than two years.

Illegal registry, how punished.

False personation.

**Prevention of correct canvass, alteration of returns, etc.**

§ 23. Any person who shall mingle or attempt to mingle any ballot or ballots that have not been voted with any ballots that have been voted, with intent to prevent a correct canvass, or who shall destroy or remove any ballot that has been voted with like intention, or who shall abstract or in any respect forge, alter or destroy, or make way with any registry, certificate count, tally, statement or return, or any writing required to be kept by this title or by any of the laws of this state, relating to elections, or any officer of elections, or person acting as such, who shall willfully refuse or neglect to deposit in the proper ballot box any ballot offered to him by any person for that purpose, unless for just cause he immediately return it to such person, or shall falsely count, read or tally any name or names on any ticket that has been voted, or falsely announce the number of tickets or ballots any person has voted, or the result of any canvass; or shall knowingly deposit in the box ballots offered by persons who are not registered, or shall make any return or statement required by this act, or

Prevention of correct canvass, etc.

Term  
"officers"  
defined.

by any of the laws of this state relating to elections, knowing the same to be untrue, or shall be guilty of any fraud, in the execution of the duties of such office, shall on conviction be punished by imprisonment in a state prison for not less than one or more than three years. The term "officers of election," used in this section shall apply to and embrace registrars, inspectors, canvassers, poll clerks and ballot clerks, and all persons who shall act in either of such capacities.

Officers not  
to act as  
ballot dis-  
tributers.

§ 25. It shall be unlawful for any registrar, inspector, canvasser or poll clerk to distribute or offer to distribute, or give out any ballots, ticket or vote to any person during the time the polls shall be open with the intent or for the purpose that the same shall or may be voted; or to have in his possession or within his control any ballot or ballots, ticket or tickets, vote or votes, except in the lawful discharge of his duty as prescribed by this title; and by chapter two hundred and sixty-two, of the laws of eighteen hundred and ninety; provided, however, that nothing herein contained shall be deemed to prohibit such officer from lawfully exercising his individual right to vote. No canvasser shall, during any portion of the canvass of the votes, have in his possession or within his control, any ballot, ticket or votes, except in the lawful discharge of his duty as prescribed in this title. Each voter shall be admitted into the room where the votes are received when he deposits his ballot, and the ballot-box to be so placed that it and its contents shall be visible at all times during the day and until the counting of the ballots shall be completed, to any persons who are voting, and to those who are watching the voting and the counting of the ballots. Any person convicted of a violation of any of the provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by imprisonment in the county jail for not less than three, nor more than twelve months.

Voting and  
canvass,  
how con-  
ducted.

Misde-  
meanor.

### Salaries and expenses.

Salaries  
and ex-  
penses, city  
charge.

§ 26. The salaries of said board of elections and their clerks, and the necessary expenses of said board and the legal compensation of all registrars, inspectors and canvassers of election, poll clerks and ballot clerks; the cost and expenses of all

necessary election notices, posters, maps, advertisements, registers, books, pamphlets, blanks, official and sample ballots and stationery, the rent and cost of fitting up, warming, lighting, cleaning, and safe-keeping of all places of registration, revision of registration, and polling places, the building, care of and repairing of voting booths and buildings for registering and polling places, together with guard rails and all furniture appertaining thereto, of furnishing, repairing, storing and carting ballot boxes, buildings, booths, guard rails and furniture, and all supplies of every kind and nature for all elections in the city of Brooklyn, and insurance to such an amount as to the said board may seem just on buildings, booths, ballot boxes and furniture, shall be a city charge and shall, upon proper certificate and vouchers, after being audited by the auditor of the city of Brooklyn, be paid by the comptroller of said city. Said board of elections may make requisitions on the comptroller for such sums as shall be necessary for such payments. Each commissioner of elections shall be paid for his services at the rate of four thousand dollars a year, and the clerks shall receive a salary to be fixed by the board at a rate not exceeding two thousand dollars a year.

Audit  
thereof.

Salaries of  
commissioners and  
clerks.

**Use, etc., of spirituous liquors at polling place.**

§ 27. Whoever during the sitting of any board of registrars, inspectors, or canvassers of elections in any election district in the city of Brooklyn, whether held for the purpose of registration, revision of registration, reception or canvass of votes, or of making returns thereof shall bring, take, order or send into, or shall cause to be taken, brought, ordered or sent into, or shall attempt to bring, take or send into any place of registration, or revision of registration, or of election, any distilled or spirituous liquors whatever, or shall at any such time and place drink or partake of such liquors, shall be deemed guilty of a misdemeanor.

Misdemeanor.

**Meetings of board of elections before election ; registration certificate.**

§ 28. On the Monday, Tuesday, Wednesday and Thursday of the week immediately preceding any general election the board of elections shall be in session at their rooms from nine

Meetings.

Applica-  
tion of new-  
ly natural-  
ized citizen  
for regis-  
tration.

o'clock in the forenoon until nine o'clock in the afternoon of each of such days, at each of which sessions at least two members of the board, being of different political faith and opinion, shall be present. At any such session of the board any naturalized citizen who may have been naturalized on any day subsequent to the last day of registration and ten days before the day of election, or who has failed to register because of the error or mistake of any board of registrars, may appear before said board of elections, and make application for a registration certificate. Every such applicant shall make an affidavit before one of the commissioners of election, they being hereby authorized to administer such oaths, wherein he shall set forth his name, his residence, his age, the length of time of his residence in the state, the county, and the election district in which he desires to be registered, the date of his naturalization if a naturalized citizen, and the reasons of his having failed to register; and in addition to such facts, he shall answer such questions in relation thereto as either commissioner may ask, and such answers, if so required by either commissioner, shall be included in such affidavit. If from such affidavit it appears that the applicant is or on the day of election will be a duly qualified voter and is entitled to be registered, and has failed to register for the reasons hereinbefore set forth, any two commissioners of elections, being of different political faith and opinion may grant and give to him a registration certificate.

Power of  
board to  
grant regis-  
tration cer-  
tificate.

Certificate.

Every such registration certificate shall be addressed to the registrars of the election district wherein the applicant is entitled to be registered, and shall state the applicant's name, residence, age, and the length of time of his residence in the state, county and the election district, and shall direct the said registrars to register the person named therein upon presentation to them by him in person of such certificate, and shall be signed by each of the commissioners granting the same. Upon such personal presentation of any such registration certificate to the registrars of the proper election district, at their meeting on the Thursday preceding the day of election, they shall register the person named therein, and enter his name in the supplemental registry as hereinbefore provided.

Registra-  
tion of per-  
sons upon  
presenta-  
tion of cer-  
tificate.

**Lists of registration certificates.**

§ 29. The board of elections shall keep an alphabetical list of the names of all persons to whom registration certificates are given, in which list shall be stated, opposite each name, the date of the certificate, the number of the ward and the election district to which directed, and the names or initials of the commissioners granting the same. Every such registration certificate, upon which the person named therein has been registered, shall be retained by the registrars receiving the same, and by them returned to the board of elections on the Friday preceding the day of election, and such certificate shall be preserved by the board of elections at least one year.

Lists to be kept.

Return of certificates to board.

**Election and registry notices.**

§ 30. It shall be the duty of the board of elections to publish the several notices and advertisements in relation to any election which are now required by law to be published by any official or board in the city of Brooklyn.

Publication.

**Special elections.**

§ 31. If any special election shall be ordered in the city of Brooklyn, it shall be the duty of the board of registry, within the district in which such special election is to be held, to meet on the Tuesday preceding such special election, from eight in the forenoon to eleven o'clock in the evening, for the purpose of revising and correcting the registries. And at such meeting they may add to the registries the names of all unregistered persons who would be entitled to vote at such special election, as provided in the ninth section of this title, each in his proper district and on proper certificate, as provided for in section seven of this title, the names of any persons who have changed their residence since the previous registry.

Meeting for correcting registries.

Additions to lists.

**Certificate of service of election officers.**

§ 32. The chairman of each board of registrars, inspectors and canvassers shall, within twenty-four hours after any election, furnish to the board of elections, under his hand, a cer-

Certificate of service.

tificate stating the days of actual service of each member of such board under this title; and the chairman of the board of canvassers shall also furnish to each canvasser a certificate of his services as such canvasser, which shall entitle him to exemption from jury service for a period of one year from its date. If his certificate shall be willfully false, he shall be liable to a penalty of one hundred dollars.

### **Powers of appointment, etc.**

When exercised by one member.

§ 33. The powers of appointment hereinbefore given to, and any duty required to be performed by, the two members of said board of elections of like political faith and opinion shall vest in and be exercised by one of said two members, in case of the death, resignation or other inability to serve, of his colleague in political faith and opinion.

### **Appointment of registrars, inspectors, canvassers, ballot clerks and poll clerks.**

Registrars, appointment of.

\* \* \* And, provided, further, that in any city, except the city of New York, having commissioners of elections, constituting a board of elections, said board shall on or before the fifteenth day of September in each year appoint for each election district two persons to serve as registrars of elections, who shall also serve as and be inspectors of election on or at any election. On or before the fifteenth day of October in each year, they shall appoint for each election district two other persons to serve as inspectors of elections, and four persons to serve as canvassers, two persons to serve as poll clerks, and two persons to serve as ballot clerks. In each election district one of the two registrars, one of the two inspectors, and two of the four canvassers, and one of the two poll clerks and one of the two ballot clerks shall belong to the same political party or be of the same political faith and opinion on state and national issues, and those registrars, inspectors, canvassers, poll clerks and ballot clerks appointed to represent the party in the political minority on state issues in said city and county, shall be selected solely by the commissioner or commissioners of elections representing such political minority in said board,

Inspectors, canvassers and poll clerks.

so that one of such registrars, two of such canvassers, one of the two poll clerks, and one of the ballot clerks for each election district, shall belong to and be of the same political faith and opinion on state and national issues as the political party which, at the last preceding general election for state officers, cast the highest number of votes in the said city and the remainder of such registrars and remaining inspectors, and canvassers, poll clerk and ballot clerk, for each election district, shall belong to and be of the same political faith and opinion on state and national issues as the political party which, at such election, cast the next highest number of votes for said officers in said city and county. On or before August fifteenth in any year the chairman of the executive committee of the general committee of each of said several political parties in and for the said city and county in which said city is situate, may make and file with the said board of elections a list of persons qualified to be such registrars, inspectors, canvassers, poll clerks and ballot clerks, and thereupon appointments shall be made as hereinbefore provided from the persons named in such list or lists; and if any of the persons so named shall not be qualified the chairman of the committee by whom they were named may within ten days after notice to him that the persons are disqualified, submit names of other persons duly qualified, and if the names of qualified persons shall not be submitted as above provided the board of elections shall select and appoint qualified persons belonging to the political party entitled to name such officers. If more than one list for any political party is submitted to the board of elections the appointment shall be made from the list, if any, submitted by the organization of such party recognized as regular by the state convention of such party held next before such fifteenth day of August. Or if the regularity of any of the organizations of a party submitting two or more lists shall not have been passed on by such state convention of such party, then such appointment shall be made from the list submitted by the organization decided to be regular by the state committee appointed by or organized in pursuance of such state convention. The persons so appointed, registrars, inspectors

Lists of persons qualified.

Appointments from lists.

Qualifications.



Notice of  
appoint-  
ment.

Oath of  
office.

Certificate  
of appoint-  
ment.

Term of  
office.

Removal  
for cause.

Vacancies,  
how filled.

of election, canvassers, poll clerks or ballot clerks shall be citizens of the United States and of the state of New York, of good character, and able to read, write and speak the English language understandingly, and shall be qualified voters of said city and not candidates for any office to be voted for by the electors of the election district for which they shall have been appointed in the election at which they shall serve. The persons so appointed shall be notified of their appointment within ten days of their appointment and shall each take and subscribe before any member of said board of elections or the chief clerk of said board within twenty days from the date of notice of appointment the constitutional oath of office. Whoever shall be appointed or sworn into office as a registrar, inspector of election, canvasser, poll clerk or ballot clerk shall receive a certificate of appointment from the board of elections, such certificate to be of such form as shall be prescribed by the said board and to specify the election district in and for which the person to whom the same was issued is appointed to serve and the date of the expiration of his term of office. The registrars, inspectors of election, canvassers, poll clerks and ballot clerks appointed under the provisions of this act shall hold office for one year unless sooner removed for cause, in which case such removal, unless made while such officer is actually on duty on the day of registration, revision of registration, or election, and for improper conduct as an election officer, shall only be made after notice in writing to the officer to be removed, which notice shall set forth clearly and distinctly the reasons for his removal; and any vacancy occurring in either of said offices by reason of resignation or inability to serve may be filled in like manner as in the first instance and appointed to such office at any time before the opening of the polls on election day. In case any registrar shall fail to attend on the day or days of registration or any inspector, canvasser, poll clerk, or ballot clerk so appointed shall fail to attend at the opening of the polls on election day, a registrar of like political faith shall be appointed by said board of elections in the place of one so failing to attend upon such registration and the

inspectors of like political faith may appoint one in the place of him so failing to attend at the opening of the polls on such election day ; and in case of any vacancy occurring during the voting and canvassing of votes such vacancy may be filled by the inspectors or canvassers of like political faith and said canvassers and inspectors shall recognize as the only proper and competent poll clerks and ballot clerks those persons who shall produce certificates of appointments bearing the latest date and none other. But in no case shall both the poll clerks or ballot clerks or registrars or more than two of the persons serving as inspectors or canvassers in any election district be of the same political faith and opinion ; and in case of the appointment of a poll clerk or ballot clerk to fill a vacancy after the opening of the polls on election day, as above provided, the chairman of the board of inspectors or the chairman of the board of canvassers shall administer the usual oath of office to such poll clerk or ballot clerk before such poll clerk or ballot clerk shall enter upon the discharge of his duties. Provided, that any registrar, inspector of election, canvasser, poll clerk or ballot clerk who shall at any time be appointed to fill a vacancy, which fact shall be stated in his certificate of appointment, shall hold office only during the unexpired term of his predecessor, and that no inspector of election, poll clerk, ballot clerk or canvasser shall be transferred from one election district to another after he has entered upon the performance of his duties. (*Extract from chap. 1035, Laws 1895.*)

Term of appointee to fill vacancies.

§ 2. All acts and parts of acts, special, local or general, inconsistent with or repugnant to this act, are hereby repealed. (§ 2, *chap. 1035, Laws 1895.*)

Repeal.



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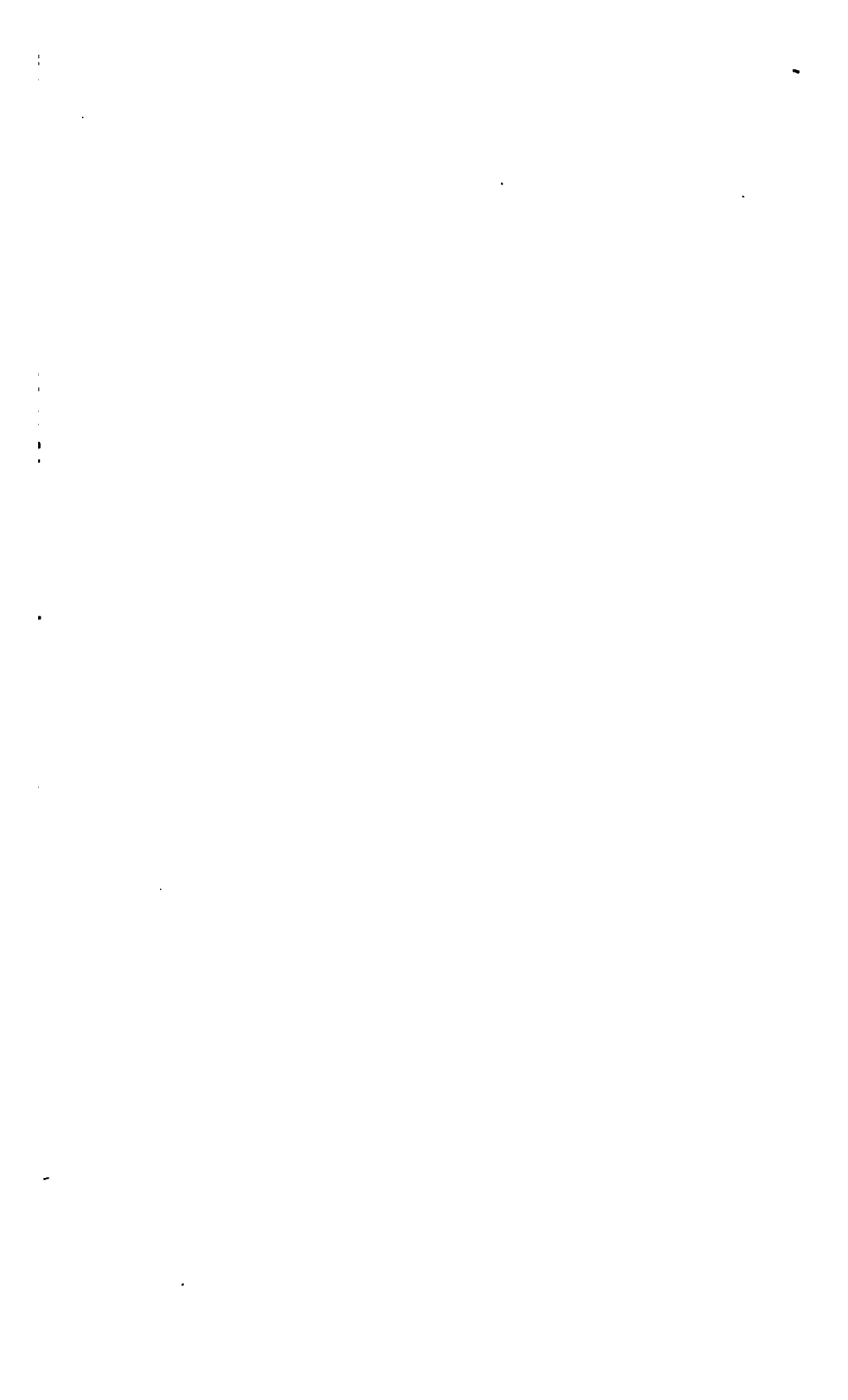
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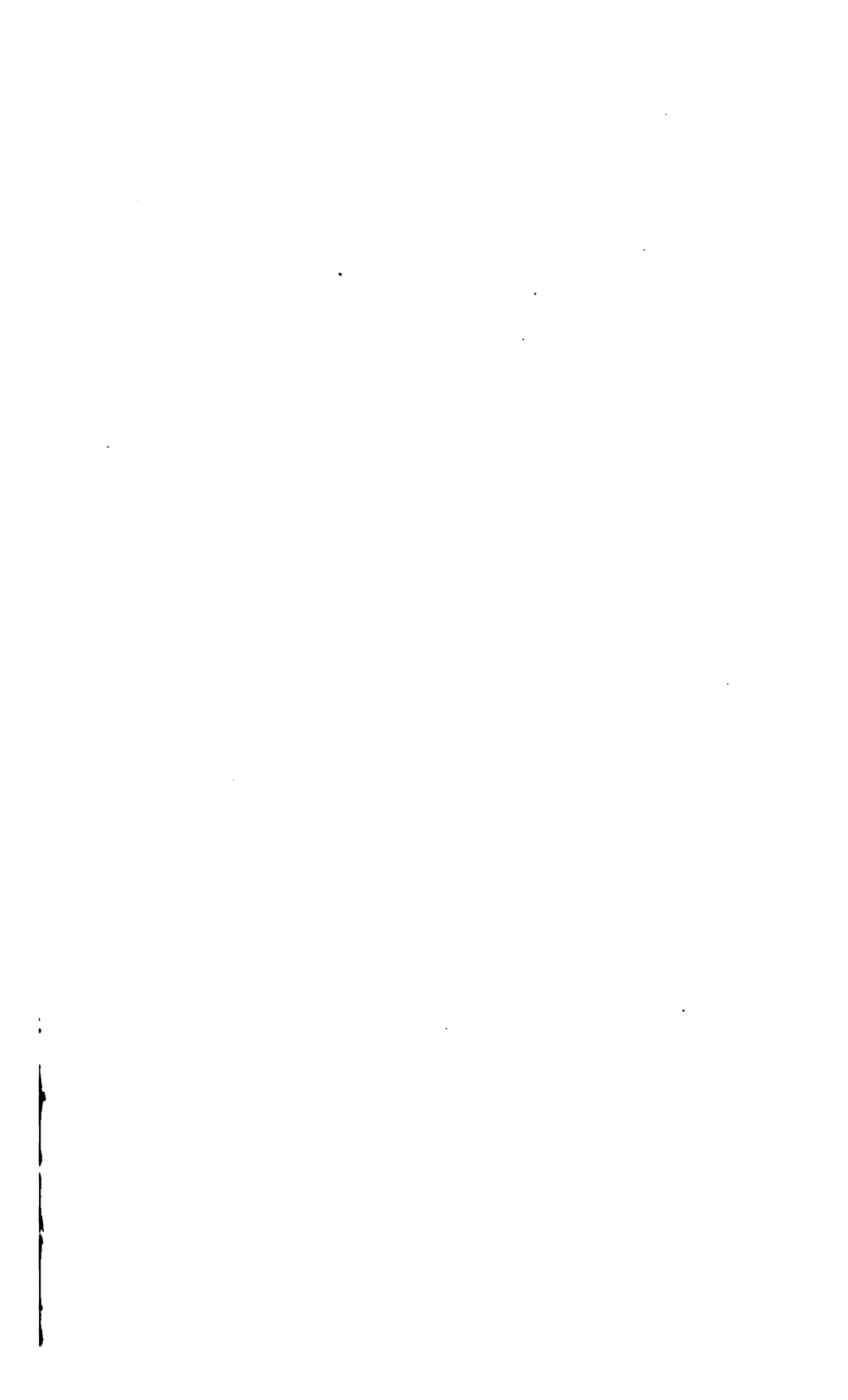
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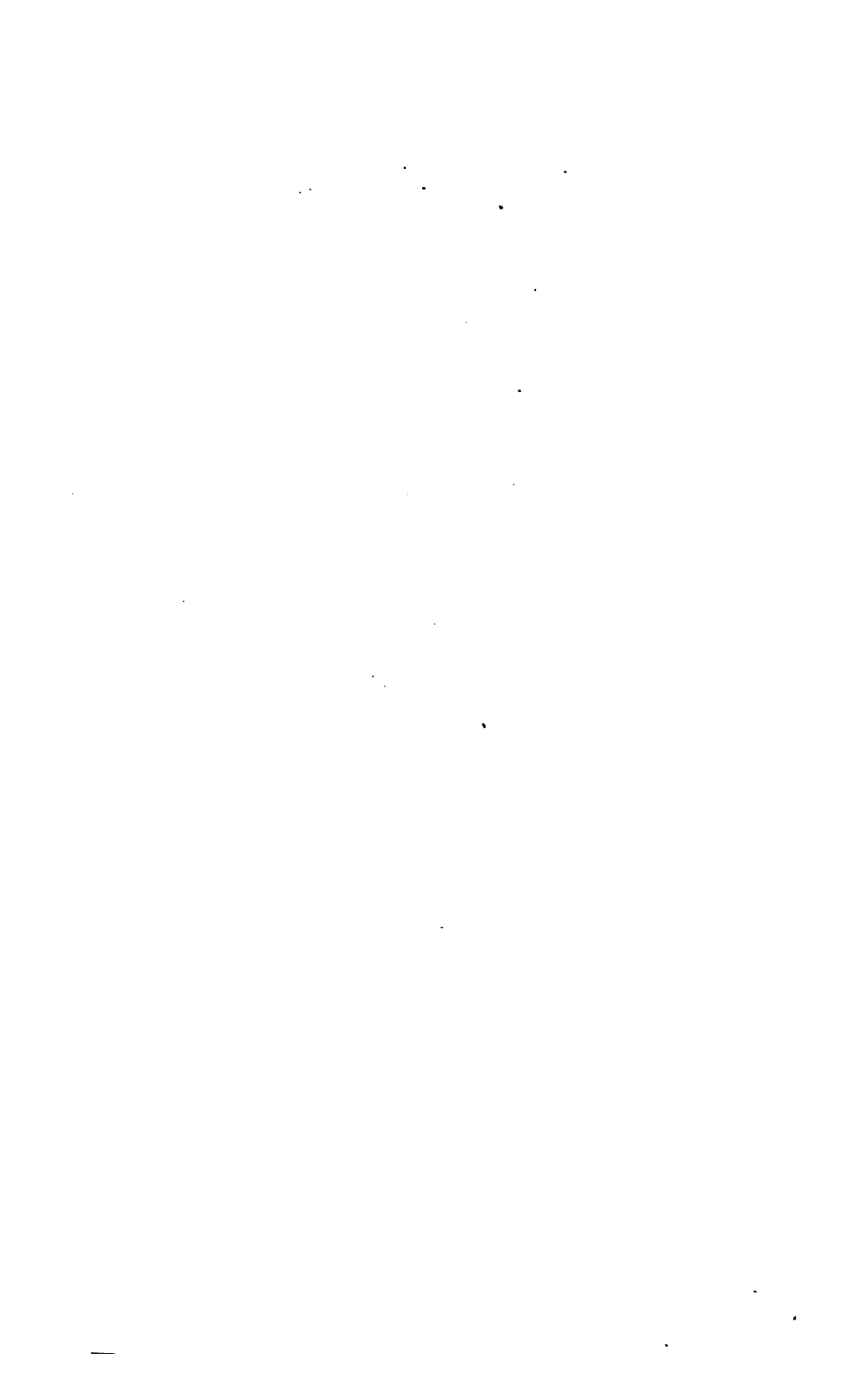


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